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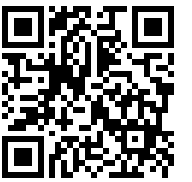

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Parliamentary History.

VOL. XXXV.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"HANSARD'S PARLIAMENTARY DEBATES."

VOL. XXXV.

COMPRISING THE PERIOD

FROM THE TWENTY-FIRST DAY OF MARCH,

1800,

TO THE TWENTY-NINTH DAY OF OCTOBER,

1801.

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1779.	- - - - - - - - York	William Markham.

BISHOPS.

1796.	Bishop of St. Asaph	Lewis Bagot.
1800.	- - - - - Bangor.....	John Warren.

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1774.	Bishop of Bath and Wells	Charles Moss.
1797.	- - - - - Bristol	F. H. W. Cornwall.
1797.	- - - - - Chichester	Charles Buckner.
1781.	- - - - - Coventry and Litchfield	Hon. James Cornwallis.
1800.	- - - - - St. David's	Lord George Murray.
1781.	- - - - - Ely	Hon. James Yorke.
1797.	- - - - - Exeter.....	Henry Reginald Courtenay.
1789.	- - - - - Gloucester	Richard Beadon.
1788.	- - - - - Hereford	John Butler.
1782.	- - - - - Landaff	Richard Watson.
1787.	- - - - - Lincoln	George Prettyman Tomline.
1787.	- - - - - London	Beilby Porteus.
1792.	- - - - - Norwich	Charles Manners Sutton.
1799.	- - - - - Oxford.....	John Randolph.
1794.	- - - - - Peterborough	Spencer Madan.
1793.	- - - - - Rochester	Samuel Horsley.
1791.	- - - - - Salisbury.....	John Douglas.
1781.	- - - - - Winchester.....	Brownlow North.
1781.	- - - - - Worcester	Richard Hurd.
1791.	- - - - - Carlisle	Hon. Edward Vernon.
1800.	- - - - - Chester	Henry William Majendie.
1791	- - - - - Durham	Hon. Shute Barrington.

LORD HIGH CHANCELLORS.

1793.	Jan. 28.	Alexander, Lord Loughborough. In 1801, created Earl of Rosslyn.
1801.	Apr. 14.	John, Lord Eldon.

LORD PRESIDENTS OF THE COUNCIL.

1796.	Sept. 24.	John, Earl of Chatham.
1801.	July 20.	William Henry, Duke of Portland.

LORD PRIVY SEAL.

1798.	Feb. 14.	John, Earl of Westmorland.

PRINCIPAL SECRETARIES OF STATE.

Home Department.

1794.	July 11.	William Henry, Duke of Portland.
1801.	July 30.	Thomas, Lord Pelham.

Foreign Department.

1791.	May	Lord Grenville.
1801.	Feb.	Robert Banks, Lord Hawkesbury.

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Department of War and the Colonies.

1794. July — Right Hon. Henry Dundas.
1801. March. — Robert, Lord Hobart. Afterwards Earl of Buckinghamshire.

SPEAKERS OF THE HOUSE OF COMMONS.

1789. May 8. — The Right Hon. Henry Addington. Afterwards Viscount Sidmouth.
1801. Feb. 11. — Sir John Mitford, knt. Afterwards Lord Redesdale.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF GREAT BRITAIN.

1797. July. — Right Hon. William Pitt; and Chancellor of the Exchequer.
Hon. John Thomas Townshend.
John Smyth, esq.
Right Hon. Sylvester Douglas.
Charles Small Pybus, esq.

1800. July. — Right Hon. William Pitt; and Chancellor of the Exchequer.
John Smyth, esq.
Right Hon. Sylvester Douglas.
Charles Small Pybus, esq.
Lord Granville Leveson Gower.

1800. Nov. — Right Hon. William Pitt; and Chancellor of the Exchequer.
John Smyth, esq.
Charles Small Pybus, esq.
Lord Granville Leveson Gower.
John Hiley Addington, esq.

1801. Mar. 7. — Right Hon. Henry Addington; and Chancellor of the Exchequer.
John Smyth, esq.
Charles Small Pybus, esq.
Lord George Thynne.
Nathaniel Bond, esq.

MASTERS OF THE ROLLS.

1788. June 7. — Sir Richard Pepper Arden, knt., afterwards Lord Alvanley.
1801. May 30. — Sir William Grant, knt.

ATTORNEYS GENERAL.

1799. — Sir John Mitford, knt., afterwards Lord Redesdale.
1801. Feb. 21. — Sir Edward Law, knt., afterwards Lord Ellenborough.

SOLICITORS GENERAL.

1779. — Sir William Grant, knt.
1801. — Hon. Spencer Perceval.

LORDS ADVOCATE OF SCOTLAND.

1789. — Robert Dundas, esq.
1801. — Charles Hope, esq.

SECRETARIES AT WAR.

1794. — Right Hon. William Windham.
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Parliamentary History.

40 GEORGE THE THIRD, A. D. 1800.

FOURTH SESSION
OF THE
EIGHTEENTH PARLIAMENT
OF
GREAT BRITAIN.

[*Continued from Vol. XXXIV.*]

***DEBATE** in the Commons on the Bank Charter Renewal Bill.*] March 21, 1800. The order of the day being read, for the third reading of the bill "for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the sum of Three Millions, towards the Supply for the service of the year 1800,"

Mr. *Tierney* said, that this was a question which involved the dearest interests of the country. He was anxious to know with whom the desire for the renewal of the charter had originated. He would put it to the House, if it would not have appeared strange, that any bank director, before half the time for which the present charter was granted had expired, should propose a renewal of this charter, more especially when it was remembered, that through the gross mismanagement of these very directors, the affairs of the Bank had been thrown into such disorder, that it was indebted for its existence, at this moment, solely to the forbearance of the public. On the other hand, would it not appear equally surprising, that ministers should propose the renewal of a charter to a set of men whom they had found it necessary, in consequence of their mismanagement, to subject to restraint, and whom they had only preserved from bankruptcy by parliamentary assistance? Would it not appear surprising, that ministers should apply for money to these men, and that body, whom only their own fostering care had, three years ago, saved from ruin? There were yet twelve years of the present charter to run, and at this distance, it was proposed to renew this charter for twenty-one years more, and thus to invest the very men, who had already so grossly mismanaged it, with the control and superintendance of the whole money concerns of the country for no less a period than 33 years. In this point of view, the measure appeared to him dangerous and unwise. But the bargain was to be considered in itself, as it regarded the Bank, and as it regarded the country. The terms proposed were, that the Bank should lend to government three millions for six years. The value of this loan was easily computed. Any person could tell what the value was of an annuity of 150,000*l.* for six years; but this bargain was not like the usual ones formed by government: it was connected with some refined speculations upon the value and the rise of stocks. These three millions, by the terms of the agreement, could be claimed by the Bank whenever the price of the 3 per cents was above 80, and the country were to lose the annuity of 150,000*l.* as soon as this claim was made, which might be expected very soon: for in case of a peace, there could be no doubt that stocks would almost immediately rise to 80, and then the only advantage that would remain to the country would be that of buying three millions of stock at par, that was to say, at 60, and selling it at 80. [Mr. Pitt here said, that the Bank, indeed, could claim the three millions which they advanced to government when the 3 per cents rose above 80; but they continued to pay interest at 5 per cent on the said three millions during

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the whole of the six years; and, in this case, he would leave any gentleman to judge how far it was probable that they would claim this money till the expiration of six years.] Mr. Tierney said, that allowing this circumstance its full weight, the real value of the loan granted to government could not be estimated at more than 750,000*l.* He had no means of ascertaining what was the ability of the Bank to pay this sum; but, if all circumstances were taken into account, he did not think it would be found that, in point of fact, they paid any thing. Allowing, however, that they paid 750,000*l.* it remained to be inquired, whether this was an adequate value for what was granted to them? In the first place, there was a dividend of 3 per cent on the eleven millions which they were in advance to government; but from the exclusive privilege which the Bank enjoyed on the whole of these eleven millions, which might be considered as a capital, the directors divided at least 7 per cent. This 4 per cent, which made the difference between the 3 and the 7, was what the country had to sell, and it amounted in value to 464,000*l.* Lord North, during his administration, estimated the advantage which the Bank drew from this source at 350,000*l.* and it was easy, from various circumstances, to account for the rise to 464,000*l.* But let the Bank profits be fairly estimated. The charges of management of the public debt, estimated at 4*l.* 10*s.* per million, will amount to 212,000*l.* per annum. Assuming the annual advances to government to be ten millions, the profit arising from this source would amount to 500,000*l.* the profits on discount to 250,000*l.*, making a total of 962,000*l.* From this must be deducted the expenses of the management of the Bank; for which he thought 100,000*l.* was an ample allowance. This, however, was an estimate founded upon calculations in time of war; in time of peace, there would be some deductions; but the profits upon a fair average, allowing six years of war in the 21 years for which the charter was proposed to be renewed, might be justly estimated, deducting the 100,000*l.* for expenses of management, at 671,000*l.* Was, then, the 750,000*l.*, which was the value of the loan granted by the Bank, an adequate compensation for the profits which the Bank would derive? Certainly not. There surely must be something in the character of a bank director highly desirable, when the most busily employed mercantile men in the city were so eager to attain it. There was no office under government, no honour, more anxiously desired, or more keenly canvassed for. The salary was 150*l.* per annum. It could not be supposed that men, who were accustomed to deal in millions, could be tempted by the paltry sum of 150*l.* But there must be some ground to account for the circumstances just mentioned. What these were could only be guessed at. This, however, was clear, that they had the power of controlling the whole city of London in money concerns; for if they refused to discount for one merchant, and discounted for another, who would say that these men stood on an equal footing, and that he against whom they were prejudiced would not fall under the effects of their declining to negociate with him? If these things were taken into consideration, the inference must be drawn, that there was something in the Bank which would not bear a name, but which yet required to be attended to by this House, when any proposal was made relative to the renewal of the Bank charter on its present footing. So long as the country owed the Bank eleven millions, it had been said that the Bank had a security from the country for its continuance as an exclusive corporation. At one time, indeed, it would have been a great burthen on the country to have redeemed this debt; but at present it could be no argument for granting the Bank a renewal of its charter. We must have peace long before its present charter was expired; and in the case of peace, from the effects of the sinking fund, and of the union with it of the tax upon income, there could be no doubt that this debt might be paid off with the greatest facility before the expiration of the present charter. After this debt had been redeemed, when an annuity of 671,000*l.* was to be disposed of, as might be the case were the charter not to be renewed till near the expiration of the present term, much more advantageous terms for the country might be procured than those now proposed. The effects of competition might be tried; or if it was said, what! would you establish two banks? at least other directors might be employed: for surely the Bank could not possibly be under worse direction than that which had almost reduced it to bankruptcy.—From these statements it would appear clear, that 750,000*l.* was by

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no means an adequate compensation for the advantages conferred. It might be said, that the time at which this money was given increased its value; and that it was more now than double the sum would be at another period: and it would no doubt be stated, that government, by borrowing three millions at 60, and selling at 80, would be a gainer of 900,000*l.* which, added to the 750,000*l.* made a gross sum of 1,650,000*l.* Allowing the truth of all this, still the compensation was not adequate to the sacrifice which the country made, nor even to the profits which it gave. But, laying aside the pecuniary bargain altogether, the renewal of the charter should not at present take place. It was conferring, for a great length of time, immense privileges and powers on a corporate body; and it had been proved, that the granting of great privileges to one body was often attended with much inconvenience to the country. The evidence delivered before the Committee of Secrecy of the House of Commons, proved this point incontestibly. From that evidence it appeared, that at that time the Bank, in consequence of making too great advances to government had become bankrupt. The examination of Mr. Henry Thornton proved, that, in consequence of this, there had been an association of bankers to establish a new circulating medium, and that in the use of this, they were to become responsible for each other. This plan, wise and beneficial as it might have proved, could not be carried into effect, because it interfered with the privileges of the Bank. At the same period the establishment of another bank was proposed by an hon. baronet; and he supported his proposition by the argument that the Bank had forfeited its charter. The proposition, it was argued, could not then be discussed, because the exclusive charter of the Bank was still in force, and had not been forfeited: but it was allowed, that the proposition deserved mature deliberation, and that it would come under review with greater propriety when the renewal of the Bank charter came to be discussed. Why, then, by such a precipitate measure as the present were we to be precluded from considering whether the establishment of another bank would be expedient, or whether, though this might not be thought proper, it might not be expedient to abridge in some measure the privileges which the Bank enjoyed. Such a proposal as that mentioned in the evidence of Mr. H. Thornton, though it could not be carried into effect in London, might be adopted with advantage in the country. In Yorkshire, Lancashire, and other places, a new world of commerce had arisen, where such a plan might be attended with immense advantages. The wish which was strongest in my mind, was, that government and the Bank might be less connected, that they might be more independent of each other, and that they should act with that independence. The independence of the Bank on government, would be one of the best checks upon its power; and were government independent of the Bank, it would not be, as it was now, the slave of the monied interests of this kingdom. It might be recollected, at the end of lord North's administration, when lord John Cavendish became chancellor of the exchequer, what difficulty he felt in negociating a loan, in consequence of the opposition of the Bank direction to government. This opposition had such an effect, that the subscribers to the loan were losers to the amount of between 10 and 12 per cent. This was, surely, too much power to be vested in any corporate body, when it could thus frustrate the plans of government. The answer to all his arguments and statements would be, that the right hon. gentleman was in want of three millions, and was afraid of coming on the country, at this moment, for such a sum, and of adding it to the funded debt. As to the ability of the Bank to advance this money, some reflections would naturally arise. From the beginning of the war, the Bank had been making growing advances to government; at last, in July 1796, they found it necessary to complain seriously that they could not carry on business with safety to themselves, except there was prompt payment made of some of these sums. At that time, they had advanced 9,829,000*l.* On the 21st of January last, the advances of the Bank to government amounted to eight millions: and now they had advanced other three millions for six years, which made the total of their present advances eleven millions; a sum much exceeding that of which they had complained as disabling them from carrying on business with safety. It was impossible that the Bank could make such a proposal as the present, unless they knew that they were deriving a profit from their scheme, and that they would never be called on to pay their notes in cash. Nor could it be

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said that other circumstances were now more favourable than they were in 1796. Subsidies were still draining the country of its cash, and expeditions, more extensive than any projected at that period, were now carrying on, which threatened the same effect. He had heard much talk of French finance; but he now saw no difference between the French system and that adopted in this country. The right hon. gentleman was, in fact, dealing in assignats. He might smile at the expression; but he had never used the expression "flimsy paper" at any period, nor declaimed against the use of paper currency. Yet now, when such measures of finance were adopted, he really thought that the country was dealing in assignats, in flimsy paper, and that a mean plan of state juggling was carried on between government and the Bank; ministers courting the Bank, and the Bank courting ministers. He called on the House to pause before they agreed to a measure which was such an infringement on the dearest rights of the country.

Mr. *Pitt* said, that the hon. gentleman had concluded his speech with the singular request, that a measure, confessedly of great importance, and now in its last stage, should now be stopped on the sudden, although there was no circumstance of surprise to be stated. The true way of considering the present measure was this: to consider the value of what we, that was, the public, were to give, and that which we were to receive? Nothing could be more fallacious than the mode taken by the hon. gentleman, to consider the profits of the Bank; for he included, in his estimate of such profits, all that they made by discounts, which they made, not as a chartered body, but merely as a mercantile company by the operation of their capital, and which they would possess whether they had a charter or not. To charge the Bank, therefore, any thing for the renewal of its charter, on account of the profits made by discount, was the same thing as going into the banking house of any individual banker, and to say, "You have been allowed to discount; you have profited by that practice to a given sum; and if you choose to continue that profitable practice, you must give us a sum of money, or else your right to do so shall not be renewed." But the hon. gentleman said, we might offer a charter to any other body of men, and give to that body all the privileges now given to the Bank. We could do no such thing; for the Bank was a chartered body corporate, actually empowered to take the care of the funds which arose to individuals out of the national debt, and should subsist until that debt was paid. Now, upon the amount of the national debt, the hon. gentleman had made many observations; but he really believed he had stated that part of the subject differently from the fact. The real question was, what the public ought to have for the renewal of the charter of the Bank? And, in considering this, we ought to consider also, if the Bank really offered too little, what would be the hazards of any new plan upon a subject of such national importance, especially with the experience we had of its effects in other quarters; this should make us cautious, at least, how we entered upon any new plan upon the subject of a national bank. He maintained, that it was adviseable to enter into this agreement with the Bank, rather than divide it with others. He maintained also, that it was adviseable to do it at a period of war, rather than to wait for a time of peace: and he would assign his reasons for thinking so. He had stated, when he opened this subject to the House, that from certain circumstances the Bank had been under the necessity, in the course of the present war, of stopping payment in cash; but such an event was so far from affording any argument against the present measure, that it furnished a very strong one in its favour. When that measure took place, almost every man dreaded it, and it was a subject which distressed speculative politicians to look at. We had, however, seen the effect, and we had seen that it had only proclaimed to the world the confidence of the public, and the solid foundation of the Bank. Nothing was to be inferred from it, but that the credit of the Bank was increasing, as well as the credit of the nation; and it appeared, that the prosperity of the country had advanced in a period of war more rapidly than at any former period of the same length of peace; that in this new world of commerce, in this war, four millions more of exports had taken place in one year than in any former year of peace. This was the result of that which no man hardly could look upon without fear and trembling, but which, he could now say, had proved to the world at large the solidity of the Bank, and had removed all

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possible doubt upon that subject. If, therefore, these things were true, as most unquestionably they were, had he not better reason than ever for saying that the Bank was not only as firm, but firmer than almost any person apprehended? Having no doubt upon that subject, he would ask, whether he was not also justified in making this agreement with the Bank? The first question was, Whether it would produce gain or loss to the public? 2dly, Whether the thing were creditable or not? Now, upon the latter question, it was certainly not creditable in general, to sell a reversion upon usurious profits to the purchaser; but if the terms were fair, and the sum was given before it naturally became due, it was not discreditable to the seller to make such a bargain. Then, as to the terms, if any one would look at the subject properly, he would see that our policy was, to prevent the rapid accumulation of debt, or to check the progress of the interest of it. This was done by the present measure; for here were to be three millions brought into the public service without interest for a time. The question, then, was, Whether this sum should be taken now, or be left to a future period? Now, if we looked to a period of peace, certainly it was extremely difficult to say when we should arrive at that period; yet he might say that we could hardly expect to be concerned in any very extensive war six years hence; and then the 3 per cents being at par, the difference between making this bargain now, and making it then, would be 1,700,000*l.* This sum the public would lose by following the advice of the hon. gentleman. The profit to the Bank was about 400,000*l.* and not 671,000*l.* as stated by the hon. gentleman. This 400,000*l.* for 21 years was what the public granted to the Bank. Besides, if this was not granted to the Bank, it must have been granted to some other company, on the principle of the hon. gentleman himself. These points considered, he would ask, was this an improvident bargain on the part of the public? There was another point not taken notice of by the hon. gentleman; which was, that if we let the Bank charter expire, we must repay the Bank its eleven millions capital at par, for which at present we paid only 3 per cent. The hon. gentleman was sanguine as to the circumstances of the country, in which he had no disposition to quarrel with him; but if we looked at the period of twelve years, we should not take either the probable price of the funds in time of peace, nor of war, but a medium price. Now, that medium price between war and peace he would take at 75; and, remembering that we were bound to pay the Bank the eleven millions at par at the expiration of their charter, we should find the calculations of the hon. gentleman erroneous. The hon. gentleman said, that this cost the Bank nothing: very true, but if we did not give this to the Bank, we should give it to some other body of men: in short, his opinion was, that this was a reasonable bargain between the public and the Bank. But the hon. gentleman said, this could never have taken place if the Bank had not been restricted from making payments in cash, and that this was owing to the great advances of the Bank to government. The present advance of the Bank to government was about eight millions; and when this came to be added, it would certainly amount to eleven millions; and the hon. gentleman considered this as an unprecedented thing. Now it did so happen, that the Bank was in advance to government eleven or twelve millions at a period so long ago as the time of sir Robert Walpole; therefore, there was nothing very extraordinary in this advance. As to what had been said on the subject of the undue influence arising from the connection between government and the Bank, he could not help regarding it as idle declamation. We were told, we should wait for a period until there should be no connection between government and the Bank? What harm was there in this connection? What was the injury likely to be done to the public credit, by the Bank advancing to government sums for the security of which the Bank had the protection of parliament? Where was the mischief that the Bank, deriving its profits through a thousand channels connected with the growing commerce of this country, should supply the great machine of state which put the public force in motion, to protect the inhabitants of a great and flourishing nation in the enjoyment of all the blessings they feel? Where was the harm that the Bank should employ part of its great capital to facilitate the circulation of exchequer bills, and to make loans on easy terms? Where was the harm that they should employ part of their wealth to aid the transaction of all public business?

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Where was the harm that the Bank should contribute to the more economical, as well as the more easy management of public affairs, and to the real stability of government? In short, he saw nothing extraordinary in this connection between government and the Bank.

Mr. *S. Thornton* confessed, that the first overtures for the renewal of the Bank charter came from the governor and directors of the Bank, because they felt that such a renewal at such a period would prove of utility both to the Bank and to the country at large. A question had been set afloat about the establishment of another bank; meetings had been held for that purpose; pamphlets had been published in recommendation of such a measure, and motions had even been made in that House, respecting its necessity. It was therefore high time to propose the present measure, and to bring it to as early a decision as possible. He disclaimed, in his own name, and in that of the directors, being influenced by any political hostilities or predilections, and he was bold to assert, that there never was a greater proportion of specie in the Bank to their paper currency, than was to be found in it at the present moment. He thought it right that the Bank should make advances to government as far as their abilities would admit and prudence would justify, but he confessed that they would act a dishonourable part if they advanced a single pound note without being in possession of wherewith to make it good.

Mr. *Manning* expressed his indignation that any expression like that of "flimsy paper," should be applied to the current notes of the Bank of England. The advances of the Bank to government were as great at other times as at the present. As to the advantages supposed to be derived from the situation of bank director, they were more than counterbalanced by risks to which the Bank was exposed by forgeries, which of late years had amounted to considerable sums. The situation of bank director was therefore erroneously stated to be a lucrative one; whoever undertook it with that view was unfit for such a trust. Those who now charged themselves with that important duty could be influenced by no other motive than their desire to labour for, and promote the public utility.

Mr. *Simeon* justified the stoppage of the Bank upon reasons of sound policy, and contended that it should not be confounded with the stoppage of any private bank; it was not looked upon in that view by the public, but on the contrary, for on the very day the specie payments of the Bank had stopped, stocks rose 1¼ per cent.

The bill was then read a third time.

East India Budget.] March 25. The House having resolved itself into a committee of the whole House, on the papers relating to the affairs of the India Company,

Mr. Secretary *Dundas* said, that he would, as briefly as possible, submit to the consideration of the committee the statements which related to the affairs of the East India Company. The accounts went a year further back than he could have wished to have laid before the House, owing to the circumstance of the accounts from India last year not having arrived till some time subsequent to the end of the session of parliament. He should therefore have wished for some further delay in this business, as he was of opinion that accounts would soon arrive which would considerably elucidate many of the articles contained in the present statements: the reason, however, which had determined him to prefer the discharge of his duty at the present moment to that of following his inclination, was, that the accounts of the India Company were so very accurate and clear, that it would not be necessary for him to take up much of the time of the House. The purpose of his present course would be, to give merely the figures, with such casual explanations as might strike him as necessary in going over the several articles. Mr. Dundas then went through the following Abstract of Statements relative to the Affairs of the East-India Company, 1799.

BENGAL.

Revenues, No. 1.—Average 1795-6 to 1797-8	5,726,947
Less than last year	51,730
No. 3. Estimated for 1797-8	5,743,847
Actual amount	5,782,741
More than estimate	38,894
Charges, No. 3.—Estimated for 1797-8	3,893,991
Actual amount	4,051,660

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More than estimate 137,669

Deduct excess of revenue from excess of charge, the nett revenue is less than estimated 93,775

And the nett revenue of 1797-8 is 1,751,081

ESTIMATES, 1798-9.

REVENUES, No. 1. 6,259,600
CHARGES, No. 2. 3,952,847

Nett revenue 2,306,753

Revenues estimated more than actual, 1797-8 476,859

Charges ditto less than ditto 78,813

Nett revenue estimated for 1798-9 more than preceding year 555,672

MADRAS.

REVENUES, No. 4.—Average 1795-6 to 1797-8, exclusive of Ceylon .. 1,824,753

Less than last year 21,321

REVENUES, No. 6.—Estimated for 1797-8 2,334,675
Actual amount .. 1,938,950

Less than estimate 395,725

CHARGES, No 6.—Estimated for 1797-8 2,482,838
Actual amount .. 2,515,774

More than estimate 32,936

Add excess of charge to deficiency of revenue, the annual nett charge is more than the estimate 428,661

And the nett charge for 1797-8 is .. 576,823

ESTIMATES, 1798-9.

REVENUES, No. 4. 2,004,993
CHARGES, No. 5. 2,857,519
Nett charge 852,526

Revenues estimated more than actual, 1797-8 66,043

Charges ditto .. ditto 341,745

Net charge estimated for 1798-9, more than preceding year 275,702

BOMBAY.

REVENUES, No. 7.—Average 1795-6, to 1797-8 310,574

More than last year 8,569

REVENUES, No. 9.—Estimated for 1797-8 319,100
Actual amount .. 388,189

More than estimate 19,089

CHARGES, No. 9.—Estimated for 1797-8 844,050
Actual amount 939,921

More than estimate 95,871

Deduct the excess of revenue from the excess of charge, the nett charge is more than estimated .. 76,782

And nett charge of 1797-8 is ... 601,732

ESTIMATES 1798-9.

REVENUES, No. 7 346,110
CHARGES, No. 8. 996,699

Nett charge 650,589

Revenues estimated more than actual, 1797-8 7,921

Charges .. ditto .. ditto .. 56,778

Nett charge estimated for 1798-9, more than preceding year 48,857

BENCOOLEN AND OTHER SETTLEMENTS.

No. 10.—Revenues of Fort Marlborough on average, 1795-6, to 1797-8 5,177
Charges .. ditto .. ditto 104,707
Nett charge 99,530

Supplies from Bengal to Marlborough, Pinang, &c. estimated for 1797-8 85,840
No. 18 and 19.—The actual amount was 163,299

Being more than estimated 77,459

No. 11.—Supplies estimated for 1798-9 117,160

GENERAL VIEW.

RESULT OF THE YEAR 1797-8, COLLECTIVELY.

REVENUES—Bengal 5,782,741
Madras 1,938,950
Bombay.... 338,189
8,059,880

CHARGES — Bengal 4,031,660
Madras 2,515,774
Bombay.... 939,921
7,487,355

Nett revenue of the three Presidencies 572,525
Deduct supplies to Bencoolen, &c. 163,299
Remainder 409,226

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INTEREST PAID ON THE DEBTS.

Bengal	408,810	
Madras	147,458	
Bombay	47,858	
		603,926
Nett deficiency of the territorial revenues		194,700
Deducted from amount on sales of imports per No. 15		582,833
The remainder		388,133

is the amount applicable to purchase of investments, payment of commercial charges. &c.

GENERAL VIEW.

RESULT OF ESTIMATES 1798-9, COLLECTIVELY,

REVENUES—Bengal ..	6,259,600	
Madras ..	2,004,993	
Bombay ..	346,110	
		8,610,703
CHARGES — Bengal ..	3,952,847	
Madras ..	2,857,519	
Bombay ..	996,699	
		7,807,065
Nett estimated revenue of the three Presidencies		803,638
Deduct, supplies to Bencoolen, &c.		117,160
Remainder		686,478
Deduct further, No. 16.—Interest on the debts		758,135
Deficiency of territorial revenues ..		71,657
Deducted from No. 15.—Estimated amount sales of imports and certificates		630,675
The remainder		559,118

is the amount estimated to be applicable in 1798-9, to the purchase of investments, payments of commercial charges, &c.

GENERAL COMPARISON OF DEBTS AND ASSETS.

Increase of debts in India		1,738,106
Decrease of debts at home		180,932
Increase of debts		1,557,174
Decrease of assets in India	608,242	
Increase of assets at home	3,908,258	
	3,300,016	
Deduct,—Balance at China worse	354,662	
Nett increase of assets		2,945,354
The increase of assets, or the improvement of the Company's affairs in general, is in this view proved to amount in the present year to		1,338,180
Deduct—Charges included in the home assets arrived in India, so as to form a part of the stock there		279,653
Nett improvement		1,108,527

The results arising from the investigation of the accounts, naturally suggest the propriety of further remarks. From the origin of the establishment of the present system of control over the affairs of the East-India company, but particularly since the arrangement in 1793 (the commencement of the present charter), my earnest endeavours have been exerted, that the end designed should be fully accomplished. Every variation from the estimate then formed, which was considered the basis of the financial calculations, has been distinctly attended to; the subsequent estimates, framed agreeably to the circumstances of the times, have been minutely examined, and their out-turn, either as it respected revenue or charge, closely investigated, and stated to the committee. Upon the present occasion, it has been deemed requisite to go into more extensive explanations in the detail of the examination, because it is the first in which a deficit has appeared in the resources of India to answer the demands, and because the result in the home concern has been so much more favourable than any expectation which could have been entertained. These explanations might, perhaps, be sufficient to account for the differences between the estimates and the actual accounts of the year in question; but it appears needful that the attention of the committee should be directed to a more general view of the subject, lest any alarm should arise in consequence of the deficiency abroad, and lest the confidence in the stability of the resources there (which may be justly entertained) should be shaken.

The estimate of 1793, now adverted to, was framed on the most accurate calculations prescribed by the experience of past years. That the prospects might not be over-rated, the resources, though evidently in a state of improvement, were taken on a moderate scale. This is proved by the issue. Their produce has more than justified the expectations; and although fluctuations on so immense a revenue must naturally be expected, the estimate has been exceeded in no less a sum than a million sterling on the average: and it is satisfactory to observe, that not-

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withstanding some disappointments have occasionally happened in the realization of the company's own immediate resources, nothing has occurred to raise any doubt of their general stability and permanence. The subsidies from the princes in alliance with the company, for the military assistance rendered them, have received a considerable addition; and it is expected that the receipts on that account will, in the year 1798-9, exceed the sum first stated in no less an amount than 560,000*l.* From what has been now observed, it must be concluded, that the immense difference has entirely arisen from the increase of the charges. It nevertheless appears, that the estimate, in this respect was framed with an equal degree of caution. The increase has been occasioned by circumstances which could not possibly be foreseen: it has been progressive; and the various additions have been annually explained to the committee as they arose. On the review it will be found, that a part may be looked upon to be permanent; as that occasioned by the regulations for the administration of justice, that incurred by the military regulations in 1796, with the increased pay to the Europeans, in conformity with the same measure in England; also the addition to the army, in consequence of the subsidiary treaties; but a very material part of the increased expense may be stated to be temporary and contingent, and to have arisen from the necessity of various expeditions, and of warlike preparations, of which it will not be practicable to ascertain the whole charge incurred till accounts of a later date shall be received. It is then intended more fully to illustrate the policy of the measures adopted from time to time; likewise the important and beneficial consequences which may be ultimately expected from the successful issue of the late military operations.—A part of the additional disbursement may be attributed to the commerce; the debts having been increased from the measure of carrying the investments to the utmost extent possible, from which the annual interest was much greater. The remarks now offered arise from the general view of the whole concern, and lead to the most satisfactory inferences. The expenses have certainly been immense; but, under every circumstance of the war, the revenues have increased, and the trade has been advanced, to an amount before unknown. Great advantages have been already derived; more may be expected. The major part of the expense incurred can only be esteemed a temporary sacrifice to obtain a substantial and permanent benefit. My opinions to this effect have formerly been given; and I am much gratified, that in whatever way the subject is considered, they appear to be fully warranted in the result.

The view of the political situation of the company, presents a source of the highest satisfaction. The necessity of the most vigorous and decisive measures is completely self-evident; and if the preservation of the British possessions, entire and undiminished, had been alone accomplished, a truly valuable end would have been answered; but when the most sanguine expectations have been exceeded, and the power and influence of this country in the East have been carried to an extent, and established on a footing, flattering to its pride, and conducive to its general interests, every regret at the immense expenses incurred will vanish, and the attention will only be directed to the ample remuneration which will hereafter be found. The pursuit and attainment of these great objects naturally affected the whole financial system abroad, in a degree apparently injurious to the commercial interests. A very considerable part of the sum usually appropriated to the purposes of commerce became absorbed; so that the continuance of the investments at their accustomed amount, and much more the extension, might certainly be considered a question rather problematical, from the difficulty of providing funds increasing with the additional amount required; and specially as those funds could only be raised on loans, at expensive rates of interest, or on bills at an unfavourable exchange. The effect of the former has been shown in the increased debt abroad, and the inconvenience is felt in the great demand for interest: but at the periods in question, no inconvenience of this description could be put in competition with the far greater evils which must have arisen from the interruption of the manufactures on the one hand, or with the advantages which, on every commercial principle might be reckoned upon, on the other. In both respects, the end has been fully answered; the industry of the natives has had full scope, and the produce of it has met a ready and profitable market. The treasury at home has been replenished, and

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the company have been enabled to afford to India extensive supplies at most seasonable periods. The payments from the home treasury on account of India and China, in the three years 1797-8 to 1799-1800 (a year later than the accounts now before the committee), have amounted to no less a sum than 10,660,000*l.* Of this, 4,100,000*l.* were for the exports of this country, 2,240,000*l.* for bullion, 2,700,000*l.* in payment of bills of exchange, and 1,600,000*l.* in liquidation of the Indian debt; so that the average supply in those years was more than 3,500,000*l.*—The propriety of keeping up the investments in India to the utmost amount possible, is still farther evinced, by a reference to the situation of the company, in consequence of the expulsion of European rivals. The opportunity was too favourable to be neglected; it became, in fact, a duty to embrace it. On that principle, the legislature permitted (if necessary) an addition of two millions to the capital stock. The depressed value of the public securities, for a considerable time after the passing of that act, rendered it unadviseable to have recourse to this measure; which, in one respect, may be deemed fortunate, as an opportunity has been afforded of discovering the power and extent of the company's credit and resources; and the full benefit of the exertions abroad has been derived by the aid only of occasional issues of bonds and of loans from the Bank, each of which has been reduced to the former level. In the last year, a considerable amelioration appeared in the home concern; but in no proportion equal to that in the accounts of the present year. Against this the deterioration of the foreign may be stated; but the most effectual remedy in that respect has been applied; and the improvement on the concern in general, compared with the year preceding, exceeds one million sterling.—The produce of the sales in the year 1798-9 was unprecedented. The encouragements under the act of 1793 to private traders, that the commerce of the East might be brought to Great Britain, have already had happy effects. The sales of private trade goods are every year increasing; those of the last year exceeded any former; those of the year now under consideration were still 400,000*l.* more; and little doubt need be entertained, but by a regulated extension of the privilege, and by the adoption of such additional wise measures as experience may suggest, steadily adhering at the same time to the principle in view when the act was passed, the object will be attained, so far as, under existing circumstances, there is just ground to hope.—Greater credit may be assumed from the amount of the sales in general, from the discovery that the purchases were not made on mere speculation, but on a real demand. In the articles for foreign consumption, particularly, proofs to that effect exist; and the goods were shipped with a rapidity before unknown. An evidence, still stronger, is found on the sales of the next year, which, as far as the accounts are made up, appear to have been equal to the large amount estimated.

The improving state of the commerce is likewise manifested in the enlarged demands for the manufactures of this country. From the ready sale, the governments abroad were induced to add considerably to their indents: and the court of directors, willing to contribute so essentially to the general advantage, greatly enlarged the consignments. Some later advices mention a partial stagnation, from the scarcity of specie, and the disturbed state of India. The supply of bullion from home will have afforded great relief in the first instance, and the successful operations of the British arms will have materially contributed to correct the other; so that there is every prospect of an increased consumption in future. A demand may likewise arise in the recently acquired territories, and in other parts where it has been endeavoured to establish a commercial intercourse. The substantial advantages accruing, both abroad and at home, from an increased demand of the manufactures, in either instance, will not be disputed: in it centers the surest source of prosperity. Those advantages cannot be more strongly exemplified than in the period now under consideration. The employ of the thousands of industrious artizans in the Indian provinces, afforded the means of purchasing the goods of this country, and contributed largely to produce other beneficial effects, already stated. The trade with China may not perhaps be thought to be productive of this reciprocal advantage in so great a degree; the benefit is still, however, immense, both to the company and to the nation: to the company, from contributing most essentially to the sales at home, in an article yielding considerable profit. The benefit to the nation, exclusive of the employment of

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shipping, is two-fold; in point of revenue, as will be again noticed, but specially, in the constant, regular, and increasing annual demand for the woollens and metals. The demand, indeed, for woollens, may be stated as beneficial to the nation alone: as in a commercial point of view, the company, considered only as merchants, might not think it prudent to attend to it, on account of the loss to which it frequently exposes them; but notwithstanding a loss in the last year, the export in the following has been increased, because the company, from a sense of duty to the public, very properly reflected, that they should not be justified in placing their own immediate interest in competition with the advantages generally diffused by the consumption of manufactures, to the amount of several hundred thousand pounds sterling. It is much to be regretted, that, from the situation of the affairs in India, the balances due the Chinese merchants were so greatly increased; as it is always desirable for the credit of the company and of the nation to keep them as low as possible. Late advices state, that by the timely assistance of bullion and goods from, and bills upon Europe and the presidencies in India, the balance has since been re-reduced from 1,073,000*l.* to 220,000*l.*

I have already remarked, that the produce of the sales in the year 1798–9 was unprecedented. Their immense amount, notwithstanding the continued demands upon the capital of the country for the purposes of war, furnishes a convincing proof of the general commercial prosperity. The internal prosperity is likewise particularly displayed, in the greatly increased amount of one article, forming a very material part of those sales. The article alluded to is that of tea; which, though it may perhaps be termed an artificial necessary of life, is become a necessary few would be disposed to relinquish. The consumption of it has gradually increased since the year 1784, the time of passing the Commutation act. At that time it was supposed by some gentlemen, that the quantity consumed would not exceed twelve millions of pounds; and I well remember differing in opinion on that subject, with a most valuable character now no more, the late Mr. Nathaniel Smith, for whose memory I shall ever retain the highest respect. The result has been most flattering to my expectations, and most beneficial to the country, in point of revenue. By an account of the annual sales of tea from 1784 to the latest period, it appears that till the year 1790 they amounted, on the average, to sixteen million pounds weight, never below fifteen: from that time to 1796, the increase was progressively to twenty-one millions. In the two following years they did not quite reach twenty millions; but in the year ending 1799, they arrived at near twenty-five millions; and there is every prospect that the next year will not fall short of that quantity.

Having offered the fullest explanations of the causes which have operated as a drain upon the resources of India, of the effect upon the commercial system, and of the measures successfully resorted to for carrying on and extending the trade; it still remains to be premised, that notwithstanding the wisdom of those measures appears so fully confirmed by their favourable out-turn as to demand an almost unqualified approbation, and notwithstanding the wish I ever did and always shall entertain for the utmost extension of the company's trade, I am not prepared to say it will be, at every time, prudent to furnish the investments, by adding to the debt in India. The peculiar situation of affairs rendered it, in the past case, expedient, and indeed necessary; but in future, other modes must be devised. A considerable surplus from the revenues will again, I trust, very soon accrue; but in whatever sum that may prove deficient for the purchase of cargoes, a supply must be found, either by bills upon the court of directors, or by bullion, or exports from this country. The debt abroad must not be allowed to accumulate beyond a certain amount: it is, at present, far too large, and means must be discovered for its reduction.

It being intended to take a more comprehensive view of the general state of the Indian concern when the next accounts are laid before the House, the remaining observations, with regard to the situation of the possessions abroad, will be very brief. A tolerable accurate judgment of the state of the provinces under the management of the several presidencies may be formed, from the copious remarks upon the produce of their resources respectively. The causes of the disappointments in the receipts from the land rents, and from the sale of salt in Bengal, have been distinctly explained, and the remedy in contemplation to secure the more ready recovery of the former. The apprehensions of the

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tranquillity of the provinces being disturbed by the supposed disaffection of some of the zemindars, appear to be completely removed, from the discovery of the artifice employed to produce them; and, exclusive of occasional protraction of the payments of the rents (by no means general), no ground of complaint seems to exist. On the contrary there is every reason to be satisfied that the great body of the land-holders appear fully impressed with a sense of the superior comforts they enjoy, from the mild and equitable regulations established under the present system of government. The only points in immediate connexion with the Indian resources, to which it is further necessary to request the attention of the committee, are those relating to the alliances with the native princes. Some important changes have been glanced at, and an intention signified that more precise information would be afforded. The due realization of the subsidies which those princes severally engaged to pay to the company for military succours, is certainly of material consequence. In some instances, it is secured by direct assignments of districts; in others, the good faith of the parties was the only guarantee. The treaty with the late nabob vizier of Oude was under this predicament, and will be the first for remark.

It may not be requisite now to enter upon the discussion of the origin of this connexion, nor of the obligations which the former vizier was under to the company. Of this, both himself and his successor, the nabob, who died in 1797, appeared sensible, and the engagements they entered into were discharged. The necessity of preserving the influence which had long subsisted at the court of Lucknow, cannot be disputed; nor the consequence which must attach to the exercise of that influence on principles of moderation and justice. During the latter part of the life of the late vizier, the errors in the administration of his affairs were such as to threaten the most serious evils, and were the cause of repeated friendly remonstrances on the part of the Bengal government. The events immediately following the death of the vizier are detailed in the very able and judicious minute of the late governor-general, laid before the House, with other documents on this subject, in the last session. The succession of vizier Ally, a youth about sixteen years of age, the reputed son of the deceased, the necessity of his early deposition and of placing the rightful heir on the musnud, are therein distinctly stated, also the treaty with the latter, conferring greater advantages on the company. The defective title of the deposed nabob was fully proved; and his deposition may be considered a favourable circumstance, as the worst of consequences might have been expected from the treachery and baseness of his disposition, also from his enmity to the British. These have since been most fatally displayed in the premeditated assassination of the resident and some other gentlemen at Benares, where he had retired, under the protection of the company, on ample allowances from the government of Oude. The adoption of prompt and vigorous measures, prevented the further accomplishment of his purposes; and he, for a time, escaped by flight the just vengeance due to his crimes. The increased subsidy provides for an additional force stationed in Oude. Doubts were, at first, entertained for its realization for a year or two; but, by late advices, the payments have been punctually kept up. The intention of the present vizier to reform the administration, and to disband a great part of his own extensive army, and institute a more disciplined force in its room, will enable him to continue the regular fulfilment of the stipulations of his treaty. The due performance of the stipulations in the treaties with the nabob of Arcot, and the rajah of Tanjore is secured, by specific assignments of districts in their respective territories. As to the nabob of Arcot, it was reasonably to be expected, that the long established alliance with his family, and a grateful sense of the eminent services they had received would have been inducements to the most friendly and cordial co-operation, in whatever might have a tendency to further the interests of his allies. A modification of the arrangements made in the year 1792, was desirable for the interests of both parties: the remonstrances with him, on that subject, have been formerly stated to the committee; nothing however has been yet effected. The committee were informed, in the last year, of the assumption of the assigned districts in the Tanjore country. That measure has been followed by one of still greater importance, but totally unconnected with the character or conduct of the rajah, or the fulfilment of his stipulated engagements.

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A long detail of the reasons which influenced the governments in India in the transaction to be now stated would consume too much time; suffice it to say, that they were prescribed by every principle of justice, and that the measure was not carried into effect without an elaborate investigation, nor without reference to the most venerable Hindoo characters in different parts of India. On their judgment of the illegality of the title of the rajah to the musnud he was removed; and as the right of the adopted son of the former rajah was, on the same judgment, pronounced indisputably valid, he was accordingly seated on the throne. The change has not produced any disturbance, the late rajah having shewn all submission to the decision, from his deference to the respectable authorities on which it was founded. Every arrangement has been made, that the effect of the loss of his station and dignity may be felt as little as possible; and a suitable allowance has been conferred by the present rajah for his support. The committee are already furnished with complete information of the circumstances connected with the late war in Mysore, by the documents not long since presented to parliament. The resolutions of the House have recorded the gratitude of the country, and the sense entertained of the distinguished merits of the most noble and truly honourable and respectable characters to whose wisdom and talents in the managements of the affairs of the East, at a very critical and momentous period, we are most signally indebted. The like just tribute has been paid to the armies, by whose undaunted courage, and indefatigable zeal and exertions, the speedy and successful termination of this unprovoked war has been accomplished. Having signified my intention of soon offering to the committee a more comprehensive view of the company's concerns, I shall, till then, defer any observations on the extensive happy consequences to be expected from this memorable event.—Mr. Dundas then read certain resolutions founded on the several statements, which were severally put, and agreed to.

The King's Message respecting a Union with Ireland.] April 2. Mr. Pitt presented the following Message from the King:

"GEORGE *R.*

"It is with the most sincere satisfaction that his majesty finds himself enabled to communicate to this House the joint Address of his Lords and Commons of Ireland, laying before his majesty certain resolutions, which contain the terms proposed by them for an entire union between the two kingdoms. His majesty is persuaded that this House will participate in the pleasure with which his majesty observes the conformity of sentiment manifested in the proceedings of his two parliaments, after long and careful deliberation on this most important subject; and he earnestly recommends to this House, to take all such further steps as may best tend to the speedy and complete execution of a work so happily begun, and so interesting to the security and happiness of his majesty's subjects, and to the general strength and prosperity of the British empire.

"*G. R.*"

A similar Message was presented to the Lords by lord Grenville. It was ordered to be taken into consideration on the 21st.

Copy of the Resolutions and Address of the Irish Parliament respecting the Union.] The following Papers were laid before both Houses, by his majesty's command:

RESOLUTIONS of the two Houses of the Parliament of Ireland, respecting a Union of the kingdoms of Great Britain and Ireland; and their Address thereupon to his majesty. *Die Mercurii, 26 Martii* 1800.

Resolved,—1. That, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power, and resources of the British empire, it will be advisable to concur in such measures as may best tend to unite the two kingdoms of Great Britain and Ireland into one kingdom, in such manner and on such terms and conditions, as may be established by the acts of the respective parliaments of Great Britain and Ireland.

That for the purpose of establishing a union upon the basis stated in the resolutions of the two Houses of the parliament of Great Britain, communicated by his majesty's command in the message sent to this House by his excellency the lord lieutenant, it would be fit to propose, as the first article of Union, that the kingdoms of Great Britain and Ireland shall, upon the 1st day of January which shall be in the year of our lord 1801, and for ever after, be united into one kingdom, by the name of "The United kingdom of Great Britain and Ireland; and that the royal stile and titles appertaining to the imperial crown of the said United Kingdom, and its dependen-

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cies, and also the ensigns armorial, flags and banners thereof, shall be such as his majesty, by his royal proclamation under the great seal of the United Kingdom, shall be pleased to appoint,

2. That, for the same purpose, it would be fit to propose, as the second article of Union, that the succession to the imperial crown of the said United Kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the imperial crown of the said kingdoms of Great Britain and Ireland, now stands limited and settled, according to the existing laws, and to the terms of Union between England and Scotland.

3. That, for the same purpose, it would be fit to propose, as the third article of Union, that the said United Kingdom be represented in one and the same parliament, to be stiled "The parliament of the United Kingdom of Great Britain and Ireland."

4. That, for the same purpose, it would be fit to propose, as the fourth article of Union, that four lords spiritual of Ireland by rotation of sessions, and twenty-eight lords temporal of Ireland, elected for life by the peers of Ireland, shall be the number to sit and vote on the part of Ireland in the House of Lords of the parliament of the United Kingdom; and one hundred commoners (two for each county of Ireland, two for the city of Dublin, two for the city of Cork, one for the University of Trinity-College, and one for each of the thirty one most considerable cities, towns, and boroughs) be the number to sit and vote on the part of Ireland in the House of Commons of the parliament of the United Kingdom: That such act as shall be passed in the parliament of Ireland previous to the Union, "to regulate the mode by which the Lords spiritual and temporal, and the Commons, to serve in the parliament of the United Kingdom on the part of Ireland, shall be summoned or returned to "the said parliament," shall be considered as forming part of the treaty of Union, and shall be incorporated in the acts of the respective parliaments by which the said union shall be ratified and established: That all questions touching the rotation or election of lords spiritual or temporal of Ireland to sit in the parliament of the United Kingdom, shall be decided by the House of lords thereof; and whenever there shall be an equality of votes in the election of any such lords temporal, the names of such peers as have an equal number of votes in their favour shall be written on pieces of paper of a similar form, and shall be put into a glass, by the clerk of the parliament, at the table of the House of Lords, whilst the House is sitting; and the peer whose name shall be first drawn out by the clerk of the parliament, shall be deemed the peer elected: That any person holding any peerage of Ireland, now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve for any county, city, or borough of Great Britain, in the House of Commons of the United Kingdom, unless he shall have been previously elected as above to sit in the House of Lords of the United Kingdom; but that so long as such peer of Ireland, shall so continue to be a member of the House of Commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against, and tried as a commoner, for any offence with which he may be charged: That it shall be lawful for his majesty, his heirs and successors to create peers of that part of the United Kingdom called Ireland, and to make promotions in the peerage thereof, after the Union, provided that no new creation of any such peers shall take place after the Union until three of the peerages of Ireland which shall have been existing at the time of the Union shall have become extinct; and upon such extinction of three peerages, that it shall be lawful for his majesty, his heirs and successors, to create one peer of that part of the United Kingdom called Ireland; and in like manner so often as three peerages of that part of the United Kingdom called Ireland shall become extinct, it shall be lawful for his majesty, his heirs and successors, to create one other peer of the said part of the United Kingdom; and if it shall happen that the peers of that part of the United Kingdom called Ireland, shall by extinction of peerages, or otherwise, be reduced to the number of one hundred, exclusive of such peers of that part of the United Kingdom called Ireland as shall be peers of Great Britain, or the United Kingdom, then and in that case it shall and may be lawful to his majesty, his heirs and successors, to create one peer of that part of the United Kingdom called Ireland, whenever any one of such one hundred peerages shall have failed by extinction, or otherwise, it being the true intent and meaning of this article, that at all times after the Union, it shall and may be lawful to his majesty, his heirs and successors, to keep up the exclusive peerage of that part of the said United Kingdom called Ireland to the number of one hundred: That if any peerage shall at any time be in abeyance, such peerage shall be deemed and taken as an existing peerage, and no peerage shall be deemed extinct, unless on default of claimants to the inheritance of such peerage for the space of one year from the death of the person who shall have been last possessed thereof; and if no claim shall be made to the inheritance of such peerage, in such form and manner as may from time to time be prescribed by the House of Lords of the United Kingdom, before the expiration of the said period of a year, then and in that case such peerage shall be deemed extinct, provided that nothing herein shall ex-

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clude any person from afterwards putting in a claim to the peerage so deemed extinct, and if such claim shall be allowed as valid, by judgment of the House of Lords of the United Kingdom reported to his majesty, such peerage shall be considered as revived; and in case any new creation of a peerage of that part of the United Kingdom called Ireland, shall have taken place in the interval, in consequence of the supposed extinction of such peerage, then no new right of creation shall accrue to his majesty, his heirs or successors, in consequence of the next extinction which shall take place of any peerage of that part of the United Kingdom called Ireland: that all questions touching the election of members to sit on the part of Ireland in the House of Commons of the United Kingdom shall be heard and decided in the same manner as questions touching such elections in Great Britain now are or at any time hereafter shall by law be heard and decided; subject nevertheless to such particular regulations, in respect of Ireland, as from local circumstances the parliament of the said United Kingdom may from time to time deem expedient: that the qualifications, in respect of property, of the members elected on the part of Ireland to sit in the House of Commons of the United Kingdom, shall be respectively the same as are now provided by law in the cases of elections for counties and cities and boroughs respectively, in that part of Great Britain called England, unless any other provision shall hereafter be made in that respect by act of parliament of the United Kingdom: that when his majesty, his heirs or successors, shall declare his, her, or their pleasure for holding the first or any subsequent parliament of the United Kingdom, a proclamation shall issue, under the great seal of the United Kingdom, to cause the Lords Spiritual and Temporal, and Commons, who are to serve in the parliament thereof on the part of Ireland, to be returned in such manner as by any act of this present session of the parliament of Ireland shall be provided; and that the Lords spiritual and temporal, and Commons, of Great Britain, shall, together with the Lords spiritual and temporal, and Commons, so returned as aforesaid on the part of Ireland, constitute the two Houses of the Parliament of the United Kingdom: that if his majesty, on or before the first day of January, one thousand eight hundred and one, on which day the Union is to take place, shall declare, under the great seal of Great Britain, that it is expedient that the Lords and Commons of the present parliament of Great Britain should be the members of the respective houses of the first parliament of the United Kingdom on the part of Great Britain, then the said Lords and Commons of the present parliament of Great Britain shall accordingly be the members of the respective houses of the first parliament of the United Kingdom on the part of Great Britain, and they, together with the Lords spiritual and temporal, and Commons, so summoned and returned as above on the part of Ireland, shall be the Lords spiritual and temporal, and Commons, of the first parliament of the United Kingdom; and such first parliament may (in that case) if not sooner dissolved, continue to sit so long as the present parliament of Great Britain may now by law continue to sit, if not sooner dissolved; and that every one of the Lords of Parliament of the United Kingdom, and every member of the House of Commons of the United Kingdom, in the first and all succeeding parliaments, shall, until the parliament of the United Kingdom shall otherwise provide, take the oaths and make and subscribe the declaration which are at present by law enjoined to be taken, made and subscribed by the Lords and Commons of the parliament of Great Britain: that the Lords of Parliament on the part of Ireland, in the House of Lords of the parliament of the United Kingdom, shall at all times have the same privileges of parliament which shall belong to the Lords of Parliament on the part of Great Britain; and the Lords spiritual and temporal respectively on the part of Ireland, shall at all times have the same rights, in respect of their sitting and voting upon the trial of peers, as the Lords spiritual and temporal respectively on the part of Great Britain; and that all Lords spiritual of Ireland shall have rank and precedency next and immediately after the Lords spiritual of the same rank and degree of Great Britain, and shall enjoy all privileges as fully as the spiritual lords of England do now, or as any other spiritual lords of England may hereafter enjoy the same, the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting on the trial of peers excepted; and that the persons holding any temporal peerages of Ireland, existing at the time of the Union, shall, from and after the Union, have rank and precedency next and immediately after all the persons holding peerages of the like orders and degrees in Great Britain, subsisting at the time of the Union; and that all peerages of Ireland, created after the Union, shall have rank and precedency with the peerages of the United Kingdom so created, according to the dates of their creations; and that all peerages, both of Great Britain and Ireland, now subsisting or hereafter to be created, shall, in all other respects, from the date of Union, be considered as peerages of the United Kingdom; and that the peers of Ireland shall, as peers of the United Kingdom, be sued and tried as peers, except as aforesaid, and shall enjoy all privileges of peers as fully as the peers of Great Britain, the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and the right of sitting on the trial of peers, only excepted.

5. That, for the same purpose, it would be

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fit to propose, as the fifth article of Union, that the churches of that part of Great Britain called England, and of Ireland, shall be united into one church, and that when his majesty shall summon a convocation, the archbishops, bishops, and clergy of the several provinces in Ireland, shall be respectively summoned to and sit in the convocation of the United Church, in the like manner, and subject to the same regulations as to election and qualification, as are at present by law established with respect to the like orders of the Church of England; and that the doctrine worship, discipline, and government, of the said United Church, shall be preserved as now by law established for the Church of England, saving to the Church of Ireland all the rights, privileges, and jurisdictions, now thereunto belonging; and that the doctrine, worship, discipline, and government, of the Church of Scotland, shall likewise be preserved as now by law, and by the act of Union, established for the Church of Scotland; and that the continuance and preservation for ever of the said United Church, as the established Church of that part of the said United Kingdom called England and Ireland, shall be deemed and taken to be an essential and fundamental article and condition of the Union.

6. That, for the same purpose, it would be fit to propose, as the sixth article of Union, that his majesty's subjects of Great Britain and Ireland shall, from and after the 1st day of January 1801, be entitled to the same privileges, and be on the same footing as to encouragements and bounties on the like articles, being the growth, produce, or manufacture, of either kingdom respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its dependencies: and that in all treaties made by his majesty, his heirs and successors, with any foreign power, his majesty's subjects of Ireland shall have the same privileges, and be on the same footing, as his majesty's subjects of Great Britain: that, from the 1st day of January 1801, all prohibitions and bounties on the export of articles, the growth, produce, or manufacture, of either country to the other, shall cease and determine, and that the said articles shall thenceforth be exported from one country to the other without duty or bounty on such export; that all articles, the growth, produce, or manufacture, of either kingdom (not hereinafter enumerated as subject to specific duties) shall from henceforth be imported into each country from the other free from duty, other than such countervailing duty as shall be annexed to the several articles contained in the Schedule No. 1; and that the articles hereinafter enumerated, shall be subject, for the period of twenty years from the Union, on importation into each country from the other, to the duties specified in the schedule No. 2 annexed to this article; viz.—apparel, wrought brass, cabinet ware, coaches and other carriages, wrought copper, cottons, glass, haberdashery, hats, tin plates, wrought iron, and hardware, gold and silver lace; gold and silver thread, bullion for lace, pearl and spangles, millinery, stained paper, pottery, sadlery, silk manufacture, stockings. And that the woollen manufactures shall pay, on importation into each country, the duties now payable on importation into Ireland; salt and hops, on importation into Ireland, duties not exceeding those which are now paid in Ireland; and coals, on importation, to be subject to burthens not exceeding those to which they are now subject: that callicoes and muslins be subject and liable to the duties now payable on the same until the 5th day of January, 1808, and from and after the said day, the said duties shall be annually reduced in such proportions, and at such periods, as shall hereafter be enacted, so as that the said duties shall stand at ten per cent from and after the 5th day of January, 1816, until the 5th day of January which shall be in the year 1821; and that cotton yarn and cotton twist shall also be subject and liable to the duties now payable upon the same until the 5th day of January, 1808, and from and after the said day, the said duties shall be annually reduced at such times, and in such proportions, as shall be hereafter enacted, so as that all duties shall cease on the said articles from and after the 5th day of January, 1816: that any articles of the growth, produce, or manufacture of either country, which are, or may be, subject to internal duty or to duty on the materials of which they are composed, may be made subject, on their importation into each country respectively from the other, to such countervailing duty as shall appear to be just and reasonable in respect to such internal duty or duties on the materials; and that for the said purposes, the articles specified in the said Schedule No. 1 should, upon importation into Ireland, be subject to the duty which shall be set forth therein, liable to be taken off, diminished, or increased, in the manner herein specified; and that upon the like export of the like articles from each country to the other respectively, a drawback shall be given equal in amount to the countervailing duty payable on the articles hereinbefore specified, on the import into the same country with the other; and that, in like manner, in future it shall be competent to the united parliament to impose any new or additional countervailing duties, or to take off or diminish such existing countervailing duties as may appear on like principles to be just and reasonable, in respect of any future or additional internal duty on any article of the growth, produce, or manufacture of either country, or of any new or additional duty on any materials of which such article may be composed, or of any abatement of the same; and that when any such new or additional countervailing duty shall be so imposed on the import of any article into either coun-

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try from the other, a drawback equal in amount to such countervailing duty shall be given in like manner on the export of every such article respectively from the same country: That all articles, the growth, produce, or manufacture of either kingdom, when exported through the other, shall in all cases be exported subject to the same charges as if they had been exported directly from the country of which they were the growth, produce, or manufacture: That all duty charged on the import of foreign or colonial goods into either country, shall, on their export to the other, be either drawn back, or the amount, if any be retained, shall be placed to the credit of the country to which they shall be so exported, so long as the general expenses of the empire shall be defrayed by proportional contributions; provided nothing herein shall extend to take away any duty, bounty, or prohibition, which exists with respect to corn, meal, malt, flour, and biscuit; but that the same may be regulated, varied, or repealed, from time to time, as the united parliament shall deem expedient.

Schedule, No. 1.—Of the articles to be charged with countervailing duties upon importation from Great Britain into Ireland, according to the sixth article of Union.

Articles to be charged with a countervailing duty in Ireland;—beer, glass, leather, stained paper, paper, silk, spirits, refined sugar, sweets, tobacco.

Schedule, No. 2.—Of the articles charged with the duties specified upon importation into Great Britain and Ireland respectively, according to the sixth article of Union.

Apparel, wrought brass, cabinet ware, coaches and other carriages, wrought copper, cottons, except callicoes and muslins, glass, haberdashery, hats, tin plates, wrought iron, and hardware, gold and silver lace; gold and silver thread, bullion for lace, pearl and spangles, millinery, stained paper, pottery, sadlery, and other manufactured leather, silk manufacture, stockings.—Ten per cent on the true value.

7. That, for the same purpose, it would be fit to propose, as the seventh article of Union, that the charge arising from the payment of the interest, and the sinking fund for the reduction of the principal, of the debt incurred in either kingdom before the Union, shall continue to be separately defrayed by Great Britain and Ireland respectively: That, for the space of twenty years after the Union shall take place, the contribution of Great Britain and Ireland respectively towards the expenditure of the United Kingdom, in each year, shall be defrayed in the proportion of fifteen parts for Great Britain, and two parts for Ireland: That at the expiration of the said twenty years, the future expenditure of the United Kingdom (other than the interest and charges of the debt to which either country shall be separately liable) shall be defrayed in such proportion as the united parliament shall deem just and reasonable, upon a comparison of the real value of the exports and imports of the respective countries, upon an average of the three years next preceding the period of revision; or on a comparison of the value of the quantities of the following articles consumed within the respective countries, on a similar average; viz. beer, spirits, sugar, wine tea, tobacco, and malt: or according to the aggregate proportion resulting from both these considerations combined: or on a comparison of the amount of Income in each country, estimated from the produce, for the same period of a general tax, (if such shall have been imposed) on the same descriptions of income in both countries; and that the parliament of the United Kingdom shall afterwards proceed in like manner to revise and fix the said proportions according to the same rules, or any of them, at periods not more distant than twenty years nor less than seven years from each other, unless previous to any such period the united parliament shall have declared, as hereinafter provided, that the general expenses of the empire shall be defrayed indiscriminately by equal taxes imposed on the like articles in both countries: That, for the defraying the said expenses according to the rules above laid down, the revenues of Ireland shall hereafter constitute a consolidated fund upon which, charges equal to the interest of her debt and sinking fund shall in the first instance be charged, and the remainder shall be applied towards defraying the proportion of the general expense of the United Kingdom to which Ireland may be liable in each year: that the proportion of contribution to which Great Britain and Ireland will by these articles be liable shall be raised by such taxes in each kingdom respectively as the parliament of the United Kingdom shall from time to time deem fit; provided always, that in regulating the taxes in each country, by which their respective proportions shall be levied, no article in Ireland shall be liable to be taxed to any amount exceeding that which will be thereafter payable in England on the like article: That if, at the end of any year any surplus shall accrue from the revenues of Ireland after defraying the interest, sinking fund, and proportional contribution, and separate charges to which the said country is liable, either taxes shall be taken off to the amount of such surplus, or the surplus shall be applied by the united parliament to local purposes in Ireland, or to make good any deficiency which may arise in her revenues in time of peace, or be invested by the commissioners of the national debt of Ireland in the funds, to accumulate for the benefit of Ireland at compound interest, in case of her contribution in time of war, provided the surplus so to accumulate shall at no future period be suffered to exceed the sum of five millions: that all monies hereafter to be raised by loan in peace or war,

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for the service of the United Kingdom, by the parliament thereof, shall be considered to be a joint debt, and the charges thereof shall be borne by the respective countries, in the proportion of their respective contributions, provided that if at any time, in raising their respective contributions hereby fixed for each kingdom, the parliament of the United Kingdom shall judge it fit to raise a greater proportion of such respective contributions in one kingdom within the year than in the other, or to set apart a greater proportion of sinking fund for the liquidation of the whole or any part of the loan raised on account of the one country, than of that raised on account of the other country, then such part of the said loan, for the liquidation of which different provisions have been made for the respective countries shall be kept distinct, and shall be borne by each separately, and only that part of the said loan be deemed joint and common for the reduction of which the respective countries shall have made provision in the proportion of their respective contributions: that if at any future day the separate debt of each kingdom respectively shall have been liquidated, or the values of their respective debts (estimated according to the amount of the interest and annuities attending the same, of the sinking fund applicable to the reduction thereof, and the period within which the whole capital of such debt shall appear to be redeemable by such sinking fund) shall be to each other in the same proportion with the respective contributions of each kingdom respectively, or where the amount by which the value of the larger of such debts shall vary from such proportion shall not exceed one hundredth part of the said value, and if it shall appear to the united parliament that the respective circumstances of the two countries will henceforth admit of their contributing indiscriminately, by equal taxes imposed on the same articles in each, to the future general expense of the United Kingdom, it shall be competent to the said united parliament to declare, that all future expense henceforth to be incurred, together with the interest and charges of all joint debts contracted previous to such declaration, shall be so defrayed indiscriminately, by equal taxes imposed on the same articles in each country, and henceforth from time to time, as circumstances may require, to impose and apply such taxes accordingly; subject only to such particular exemptions or abatements in Ireland, and that part of Great Britain called Scotland, as circumstances may appear from time to time to demand: that, from the period of such declaration, it shall no longer be necessary to regulate the contribution of the two countries towards the future general expenses, according to any specific proportion, or according to any of the rules, hereinbefore prescribed; provided nevertheless, that the interest or charges which may remain on account of any part of the separate debt with which either country is chargeable, and which shall not be liquidated or consolidated proportionably as above, shall, until extinguished, continue to be defrayed by separate taxes in each country: that a sum not less than the sum which has been granted by the parliament of Ireland, on the average of the last six years, as premiums for the internal encouragement of agriculture or manufactures, or for the maintaining institutions for pious and charitable purposes, shall be applied for the period of twenty years after the union, to such local purposes, in such manner as the parliament of the United Kingdom shall direct: that, from and after the 1st day of January, 1801, all public revenue arising from the territorial dependencies of the United Kingdom, shall be applied to the general expenditure of the empire, in the proportions of the respective contributions of the two countries.

8. That, for the same purpose, it would be fit to propose, as the eighth article of the Union, that all laws in force at the time of the Union, and all courts of civil and ecclesiastical jurisdiction within the respective kingdoms, shall remain as now by law established; subject only to such alterations and regulations from time to time as circumstances may appear to the parliament of the United Kingdom to require; provided, that all writs of error and appeals depending at the time of the Union, or hereafter to be brought, and which might now be finally decided by the House of Lords of either kingdom, shall from and after the Union, be finally decided by the House of Lords of the United kingdom; and provided, that from and after the Union there shall remain in Ireland an instance court of admiralty for the determination of causes civil and maritime only; and that all laws at present in force in either kingdom, which shall be contrary to any of the provisions which may be enacted by any act for carrying this article into effect, be, from and after the Union, repealed.

(Signed) JOHN GAYER, D. Cler. Parl.
G. F. HILL, Cler. Dom. Com.

To the King's Most Excellent Majesty.
The humble ADDRESS of the Lords Spiritual and Temporal, and Knights, Citizens, and Burgesses, in parliament assembled.

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in Parliament assembled, beg leave to acquaint your majesty, that we have taken into our most serious and deliberate consideration, the great and important subject of a legislative Union between Great Britain and Ireland, which was laid before us in his excellency the lord lieutenant's message to both Houses of Parliament on the fifth day of February last, accompanied by the resolutions of the two Houses of the Parliament of

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Great Britain, proposing that great measure and the earnest and solemn recommendation of your majesty.

Deeply impressed with the necessity of rendering the connexion of Great Britain and this kingdom indissoluble, and truly sensible of the repeated efforts which have been made by foreign and domestic enemies to shake that connexion, and to effect their entire separation, we fully approve and cordially embrace the principle of incorporating Great Britain and Ireland into one kingdom, under your majesty's auspicious government, by a complete and entire union of their legislatures.

We do consider the resolutions of the two Houses of the British Parliament, as wisely calculated to form the basis of such a settlement: we have adopted them as our guide in the measures we have pursued, and we now feel it our duty to lay before your majesty the resolutions to which we have agreed, which resolutions we humbly submit to your majesty may form the articles of union between Great Britain and Ireland, and which, if they shall be approved by the two Houses, of the Parliament of Great Britain, we are ready to confirm and ratify, in order that the same may be established for ever by the mutual consent of both parliaments.

We doubt not that your majesty, and your parliament of Great Britain, will consider these resolutions as the most unequivocal testimony of our zealous loyalty to your majesty's sacred person, family, and government, and as an unalterable pledge of our attachment to the British empire: we offer them in the full conviction, that by incorporating the legislatures, and by consolidating the resources of the two kingdoms, we shall increase the power and stability of that empire and that, by uniting ourselves with your majesty's subjects of Great Britain under one parliament, and under one government, we shall most effectually provide for the improvement of our commerce, the security of our religion. and the preservation of our liberties.

JOHN GAYER, D. Cler. Parl.
G. F. HILL, Cler. Dom. Com.

Debate in the Commons on the King's Message respecting a Union with Ireland.] April 21. On the order of the day being read, for the House to resolve itself into a committee of the whole House, to take into consideration his majesty's Message of the 2nd instant, communicating to this House the Resolutions of the Lords and Commons of Ireland, respecting a union between the kingdoms of Great Britain and Ireland, with their Address to his majesty thereupon,

Mr. *Jones* said:—Sir; in objecting to your leaving the chair, I intend not the slightest disrespect to his majesty's ministers; but never having concurred in any one vote of the House concerning the union with Ireland, I conceive myself perfectly justified by that circumstance in opposing your leaving the chair. As far as the limited means and capacity I possess will allow, and inasmuch as I consider a measure which in its operation goes to annihilate the parliament and representation of Ireland, and to eradicate and tear up root and branch the British constitution, I feel myself bound to give it every opposition in my power. After the firm, determined, and manly manner in which Ireland has revolted at the projected slavery held out by the present measure, I should have thought it consistent with the prudence, discretion, and moderation of his majesty's ministers to have abandoned it till a season when the feelings of the people of Ireland were less inimical to it. But I am sorry to observe, they are resolved to effect their purpose. To attain which, they first apply to the virtues of the people of Ireland, recommending the measure as one calculated to insure the prosperity of their country. Their virtues determined them to reject propositions so adverse to their liberties. I fear that a different mode has since been adopted; that an appeal has been made to their vices; that corruption has been resorted to. And no means have been left untried by ministers to accomplish their object. Their motto has been

"Flectere si nequeo superos, Acheronta movebo."

They have stirred up Acheron, in order to attain the apparent sanction to their favourite measure. Before the House adopts a measure like the present, it will be right to consider for what reason Ireland is to be thus disfranchised. Is it because she has fought and bled by the side of England? Is it because, by her own exertions, she has been able to quell a most unprecedented and dangerous rebellion? Is it for this she is to be made the least in the scale of nations? I conceive that the question to Ireland is, whether it shall have a parliament and a national representation, or no? And to England whether it shall have a constitution or no? Perhaps such may not be the immediate effect of the measure with respect to England: but I am persuaded the alteration that will be produced in the constitution of this country, by the introduction of 100 members into its representation,

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will in time wholly destroy it. It will constantly experience the same danger of destruction as Damocles, with the sword of the tyrant Dionysius suspended by a single hair over his head. I call upon every member present to protect that constitution obtained by the blood of their ancestors. If one letter of these resolutions are suffered to pass, the whole will be gone into. I think it my duty therefore to call upon the country gentlemen in particular to exert themselves upon the present momentous occasion. I request of them "to rise, or be for ever fallen!"

The House having resolved itself into the committee,

Mr. *Pitt* rose, and said:—Sir; the sentiments of this and the other House have been so clearly and decisively expressed in the vote which was given on this important subject during the last session of parliament, that I feel it altogether unnecessary to renew the arguments then advanced and acceded to with respect to the advantage, expedience, and necessity of the measure. Recollecting, that the grounds then offered for the union of both kingdoms were so solid and unalterable as to meet with an almost universal concurrence; and also recollecting that the subsequent discussions which have taken place in the parliament of the sister kingdom, must have confirmed and riveted the decision so unequivocally manifested in this country, I shall only trouble the committee so far as to recall the magnitude of the question which is now submitted to their consideration, and to remind them, that it is not one partial consideration, not a single provision, however great it might be, which claims their attention, but a consideration in which the dearest and most essential interests of both countries are most intimately connected. If we wish to accomplish the great work that we have undertaken, we must look to the whole of this important and complicated question; we must look at it in a large and comprehensive point of view; we must consider it as a measure of great national policy, the object of which is effectually to counteract the restless machinations of an inveterate enemy, who has uniformly and anxiously endeavoured to effect a separation between two countries, whose connexion is as necessary for the safety of the one, as it is for the prosperity of the other. We must look to this as the only measure we can adopt which can calm the dissentions, allay the animosities, and dissipate the jealousies which have unfortunately existed; as a measure whose object is, to communicate to the sister kingdom the skill, the capital, and the industry, which have raised this country to such a pitch of opulence; to give to her a full participation of the commerce and of the constitution of England; to unite the affections and resources of two powerful nations, and to place under one public will the direction of the whole force of the empire. We must consider this as a measure, Sir, the object of which is, to afford an effectual remedy for those imperfections which exist in that precarious system that at present binds the two countries together; a system which, if an incorporate union should unfortunately not take place, may ultimately tend to their separation.

Sir, when these are the objects which are to be obtained by this measure, the committee will not, I am sure, consider it as a measure of partial or local convenience, or of partial or local sacrifice; but in forming their opinions they will consider its general effect upon the whole of the aggregate of the empire. In deciding on this question, we ought to be actuated by another feeling, a feeling which it is not necessary for me to state, because the magnanimity of every gentleman must have suggested it to his own mind. In the union of a great nation with a less, we must feel that we ought not to be influenced by any selfish policy, that we ought not to be actuated by any narrow views of partial advantage. We must refute by our conduct (what indeed we might have hoped our terms had already refuted, if what fell from an hon. gentleman this day did not unfortunately prove that a degree of unaccountable prejudice still existed) the idea that we have any other object in view than that of promoting the mutual advantage of both kingdoms. We must show that we are not grasping at financial advantages, that we are not looking for commercial monopoly; we must show that we wish to make the empire more powerful and more secure, by making Ireland more free and more happy. These, Sir, are the views—these are the only views with which I could ever have proposed this measure; and it is with these views alone that it can be rendered effectual to its object, and establish mutual harmony and confidence between the two nations.

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But it is not merely a sentiment of generosity and magnanimity which influences her conduct; in thus striking a balance between two nations, justice requires that the greater share of advantage should fall to the less powerful one. Fortunately such has been the rapid progress which this country has made in commerce and in capital, that it has arrived at a degree of prosperity unexampled in the history of the world; that it is in a situation in which perhaps no other country ever was, either to treat with a friend, or to contend with an enemy: such are the rapid and unprecedented advantages which we are making in commercial prosperity, that, admitting that the adoption of this measure might be attended with particular inconvenience and local disadvantage, the wealth which the country will acquire, even while this discussion is going on, would much more than compensate for such particular loss. It is not necessary for me to detain the committee by dilating any more upon this part of the subject; I flatter myself that every gentleman who hears me, concurs with me in every sentiment which I have advanced. If, with feelings such as these, we proceed to the examination of these articles, with an intention of not overlooking any part of them, of examining them with a view to see whether they may require any alteration, but at the same time with a firm determination not to suffer small difficulties to stand in the way of important national arrangements and advantages; if, Sir, I say, we are actuated by these feelings, I hope the century will not conclude without the accomplishing of this great national work, which will give a full participation of our wealth and happiness to millions of our fellow-subjects—which will place upon a firm basis the connexion between the two countries, and will augment and secure the strength and prosperity of the empire.

I will not trouble the committee with any further observations of a general nature; I will now take a view of the resolutions which have been laid before us, and which have been agreed to by the parliament of Ireland. It will be necessary for us to see how far they accord with those which were agreed to last sessions in the British parliament; and how far that which they have altered, or added, is objectionable. In looking at them with this view, it will be seen that the first article merely relates to the name of the united kingdoms, upon which I apprehend no difference of opinion can subsist. The second article relates to the succession of the Crown, and which is precisely the same as that which was agreed to by the parliament of Great Britain. In the third article is the beginning of the detail, which must necessarily take place in treaties of this sort between independent nations. It divides itself into five leading branches, viz. the regulations with respect to the imperial legislature; the provisions for the security of the established Church; the regulation of the commercial intercourse between the two countries; the arrangement of their respective proportions with respect to revenue; and, finally, the provisions relative to courts of justice. In examining and deciding upon these resolutions, I must beg gentlemen to compare them with those which were agreed to by the parliament of Great Britain, and transmitted to Ireland. In our resolutions we agreed that the whole of the United Kingdom should be represented in one imperial parliament —we stated, that the number and proportion which the members from Ireland should bear to those of Great Britain, and the regulations respecting the mode of their election, should be such as might be finally agreed upon by the respective parliaments of the two kingdoms. In these resolutions the parliament of Ireland have stated their opinions upon these points: the first and most important of which is, the share which they ought to have in the representation in the House of Commons.

Upon a full consideration of the subject, the parliament of Ireland are of opinion, that the number of representatives for Ireland in the House of Commons ought to be one hundred. Upon this subject, the first question to which I have to call the attention of gentlemen (supposing that they adhere to the resolutions of last session) is, whether the number so mentioned by the parliament of Ireland is so reasonable, and founded in such fair proportions, that we ought to agree to it? For my own part, Sir, I will fairly confess, that upon this part of the subject it does appear to me extremely difficult to find any precise ground upon which to form a correct calculation, or to entertain a positive preference for any one specific number of members rather than another: but I am the less anxious about it, because I do not consider the consequences as very

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important. In my view of representation, founded upon the experience of our constitution, I think we are entitled to say, that, if a nation becomes united with us in interests and in affection, it is a matter of but small importance whether the number of representatives from one part of the united empire be greater or less. If there are enough to make known the local wants, to state the interests, and convey the sentiments of the part of the empire they represent, it will produce that degree of general security, which will be wanting in any vain attempt to obtain that degree of theoretical perfection, about which in modern times we have heard so much. Considering it in this point of view (if the interests of the two countries are identified, and the number of representatives are adequate to the purposes I have mentioned), I really think the precise number is not a matter of great importance. At the same time, when it is necessary that the number should be fixed, it is necessary to have recourse to some principle to guide our determination; and I am not aware of any one that can more properly be adopted, than that which was laid down in the discussions upon this part of the subject in the parliament of Ireland; I mean a reference to the supposed population of the two countries, and to the proposed rate of contribution. I do not think that the proportion of the population, or the capability of contribution, taken separately, would either of them form so good a criterion as when taken together; but even when combined, I do not mean to say that they are perfectly accurate. Taking this principle, it will appear that the proportion of contribution proposed to be established, is seven and a half for Great Britain, and one for Ireland; and that, in the proportion of population, Great Britain is to Ireland as two and a half, or three to one: so that the result, upon a combination of these two, will be something more than five to one in favour of Great Britain, which is about the proportion that it is proposed to establish between the representatives of the two countries.

With respect to the mode in which these members are to be selected in order to be sent over to the imperial parliament, it is such as in my opinion must prevent the possibility of any suspicion arising in the minds of gentlemen. It is obvious that no wish was entertained by those by whom these articles were proposed, to introduce an additional number of members, with any view to an augmentation of the influence of the crown. If it is admitted that it would be highly inconvenient to add the whole of the House of Commons of Ireland, which consists of three hundred members, to that of Great Britain, it is obvious that some principle of selection must be resorted to; and I cannot conceive any one that could have been adopted more equitable or satisfactory for Ireland, or less liable to objection. The plan proposed is, that the members of the counties, and of the principal commercial cities, should remain entire. With respect to the remaining members to make up the number of a hundred, without thinking of abstract principles, without talking about the difference between one description of boroughs and another, being obliged to make a selection, the plainest and most obvious mode is resorted to, with a view to the obtaining of local information, and to the security of the landed interest. The remaining members are to be selected from those places which are the most considerable in point of population and wealth. Those gentlemen who have objected to the introduction of theoretical reforms in the constitution, and in the representation of this country, will find that there is nothing in this plan which has a tendency towards that object, or which makes a distinction between different parliamentary rights. The plan which it is proposed to adopt, is the only one that could have been recurred to, without trenching upon the constitution. The committee must perceive, that, in acquiescing in this regulation, they will consent to an addition to the existing House of Commons, without making any, the slightest, alteration in our internal forms; that this regulation is conformable to the resolution which last year met with the approbation of the parliament of Great Britain; and that no alteration is proposed in the numbers of the British House of Commons.

It would not, perhaps, be necessary for me to say any thing more upon this topic; yet knowing, Sir, how strong some opinions are on the subject, and knowing the share I formerly had myself in sentiments of that nature, I must declare that I do not wish to avoid the discussion. I rather desire to disclose my most secret thoughts upon the question of reform, as I do not think myself authorised, from a firm conviction of their purity and justice,

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to decline any investigation upon that topic, respecting which I did once entertain a different opinion. Whatever change may be found necessary in the parliament of Ireland, I maintain, Sir, that, by preserving the frame of the British parliament, we have one great and very peculiar advantage, of which it is impossible for any sophistry, for any arts, for any violence to deprive us. We have found this vast benefit in our adherence to practice in two distinguished instances; I mean with respect to Wales and Scotland. The union of England with both those countries was effected without any injury to the frame of the English parliament, and the effects resulting from that system have been productive of the most permanent utility. It might have been urged as an objection *à priori*, that the frame of parliament should be altered, but fortunately for us, our ancestors preferred the preservation of that which experience had rendered dear to them. But, Sir, whatever may have been the opinions of different men upon the subject of reform, since it was first agitated in this country, I do not assume too much in saying it is now generally admitted, that we ought not to alter any thing beyond the immediate object of the alteration itself, and that we are called upon to do that with as little change as is consistent with the efficacy of the measure. In other words, Sir, I contend that it is necessary to confine the proposed change to that which requires to be changed, leaving every thing else entire. We are therefore to limit our alterations to Ireland, whose situation so imperiously calls for alteration, and to leave England untouched, and entire in the enjoyment of that which has uniformly constituted its certain defence and protection. But this is not all, and I beg leave to trouble the committee with a few more remarks, since this consideration has occurred in the discussion of the articles of union. If any gentleman recollects how little the friends of reform have at any time agreed upon a specific plan, how little the sense of the public has ever declared in favour of reform, how difficult the measure has been at all times allowed to be by its most enlightened and zealous supporters; how jarring and contradictory the opinions of those persons who patronized it must have been: I say, Sir, if gentlemen recollect all these striking and unanswerable circumstances, I shall only ask them, would it be wise and consistent to connect the question of union with the question of reform? If the union be of itself a measure of great difficulty, as it is generally admitted, I appeal to the candour of every man, would it be prudent, would it be safe, to involve it in a question of the greatest perplexity, of the most embarrassing nature, and attended with fatal consequences as to our internal interest?

On the ground then of prudence, what I have said must I think alone be sufficient: but as I do not wish to have the least reserve with the House, I must say, that if any thing could throw a doubt upon the question of union—if any thing could in my mind counterbalance the advantages that must result from it, it would be the necessity of disturbing the representation of England: but that necessity fortunately does not exist. In stating this, Sir, I have not forgotten what I have myself formerly said and sincerely felt upon this subject; but I know that all opinions must necessarily be subservient to times and circumstances; and that man who talks of his consistency merely because he holds the same opinion for ten or fifteen years, when the circumstances under which that opinion was originally formed are totally changed, is a slave to the most idle vanity. Seeing all that I have seen since the period to which I allude; considering how little chance there is of that species of reform to which alone I looked, and which is as different from the modern schemes of reform, as the latter are from the constitution; seeing that where the greatest changes have taken place, the most dreadful consequences have ensued, and which have not been confined to that country where the change took place, but have spread their malignant influence almost in every quarter of the globe, and shaken the fabric of every government; seeing that in this general shock the constitution of Great Britain has alone remained pure and untouched in its vital principles—[A cry of "Hear! hear!" on the opposition side]—I wish gentlemen would hear me, and then answer me—when I see that it has resisted all the efforts of Jacobinism, sheltering itself under the pretence of a love of liberty; when I see that it has supported itself against the open attacks of its enemies, and against more dangerous reforms of its professed friends; that it has defeated the unwearied machinations of France, and the no less persevering efforts

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of Jacobins in England, and that during the whole of the contest it has uniformly maintained the confidence of the people of England;—I say, Sir, when I consider all these circumstances, I should be ashamed of myself, if any former opinions of mine could now induce me to think that the form of representation which, in such times as the present, has been found amply sufficient for the purpose of protecting the interests and securing the happiness of the people, should be idly and wantonly disturbed from any love of experiment, or any predilection for theory. Upon this subject, Sir, I think it right to state the inmost thoughts of my mind; I think it right to declare my most decided opinion, that, even if the times were proper for experiments, any, even the slightest change in such a constitution must be considered as an evil. I have been led farther into this subject, from the temporary interruption which I met with, than I intended; but I did not mean to have passed by the subject of the Irish members, without accompanying it with some observations on British representation.

I have next to state, that however these members may be chosen, there is one consideration which cannot fail to press itself upon our minds; I mean, that by the laws of England care has been taken to prevent the influence of the crown from becoming too great, by too many offices being held by members of parliament. In Ireland there are laws of a similar nature, but not quite to the same extent; so that it might happen that in the hundred members to be chosen, there may be a great number holding places. It will occur to gentlemen that some provision ought to be made upon this subject. I feel this sentiment as strongly as any man; but gentlemen must be aware that it is impossible to provide against it by an article of union, to be binding upon the united parliament, because we have found from experience, that the number of offices to be held by members must always remain in the discretion of parliament, to be regulated from time to time as circumstances may require. On the other hand, if no regulation upon this subject is at present made, it may happen that in the first hundred members chosen there may be a great number holding places, and consequently under the influence of the crown, who will have to decide in the imperial parliament, upon the extent to which that influence ought to extend. The committee will recollect, that the greater number of the members that are to come over, will be the representatives of counties and the great commercial towns. Of these I believe there are not above five or six who hold offices. With respect to the remainder, it must be obvious, from the manner in which they are to be chosen, that it is impossible to ascertain exactly the number of offices they may hold; they cannot, however, exceed the number of twenty. Unless, therefore, the numbers of those holding places were so great as to excite real jealousy, it would not be necessary to deprive them of their places in the first instance, as their numbers would not be sufficient to have any great effect in deciding upon the question of the extent of the influence of the crown. I understand that a motion was made by a gentleman last week for an estimate upon this subject; but he must be aware that such an estimate could not be made up in this country, nor even in Ireland, without great difficulty. I think nothing can be more fair than what I shall propose, viz. that no more than twenty of the persons so coming over shall hold places; and if it shall happen that a greater number of them than twenty hold places during pleasure, then these who have last accepted them shall vacate their seats; this will, upon the whole, I think, obviate every objection that can be made in point of principle.

We then proceed to the number of the other House of parliament; and their precise number, I own, does not appear to me a matter that calls for close investigation or minute inquiry. The number for Scotland, as we all know, is sixteen to represent the peerage, and for the Commons forty-five. There may, indeed, be another view of considering it on the part of Ireland, different from that of Scotland, which is true to a given extent, and on which I shall observe hereafter; but in the view in which I take it at present, and thinking as I do, that the whole should be a representation having for its object the general welfare of the empire, the number cannot be very material; besides, we are to look at Ireland as represented locally by thirty peers, and also by those peers in England who possess great part of their property in Ireland; so that in comparison of the thirty-two Irish peers, there may be said to be no less than one-

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fifth to be added from the peers of Great Britain. With respect to the manner in which they are to be chosen, I can only say, that I have never heard of any objection to the arrangement which is proposed in the resolutions of the Irish parliament; should any opposition be offered to that branch of the subject, I should say, that the choice of the peers to represent the Irish nobility for life, is a mode that is more congenial to the general spirit and system of the establishment of a peerage, than that of their being septennially elected, as the nobility of Scotland are; upon the whole of that topic, I am satisfied that no gentleman in this House will think this part of the arrangement in any degree improper.

Another part branching out of this subject, is that which has attracted a great deal of observation—I mean the right reserved for the peers of Ireland, who are not elected to represent their own peerage, to be members of the House of Commons of the united parliament in Great Britain, until they shall happen to be elected to represent the nobility of their own country. This has been described and stated as a subject fit for ridicule; I own I see it in no such light. If, indeed, they were subject to be chosen alternately to represent the Lords and Commons of Ireland, the objection would be well-founded; but here they are not so; for when they are chosen to represent the nobility, they are so for life, and can never return to the House of Commons: and by the way, I consider this a better mode than that which was adopted with regard to the nobility of Scotland; and my reason for it is this, that a nobleman in Ireland, if not chosen by his own order, may be chosen as a legislator by a class of inferior rank, and which I am so far from regarding as improper, that I deem it in a high degree advantageous to the empire, analogous to the practice, as well as friendly to the spirit, of the British constitution. We know full well the advantages we have experienced from having, in this House, those who in the course of descent, as well as in hopes of merit, have had a prospect of sitting in our House of peers. Those, therefore, who object to this part of the arrangement, can only do so from the want of due attention to the true character of our constitution, one of the great leading advantages of which is, that a person may, for a long time, be a member of one branch of the legislature, and have it in view to become a member of another branch of it; this it is which constitutes the leading difference between the nobility of Great Britain and those of other countries. With us, they are permitted to have legislative power before they arrive at their higher stations; and as they are, like all the rest of mankind, to be improved by experience in the science of legislation as well as that of every other, our constitution affords that opportunity, by their being eligible to seats in this House from the time of their majority, until, in the course of nature, their ancestors make way for them in another House of legislation. This is one of those circumstances which arise frequently in practice; but the advantages of which do not appear in theory, until chance happens to cast them before us, and makes them subjects of discussion. These are the shades of the British constitution, in which its latent beauties consist. Now, upon this principle, and with this experience, I would ask if any Irish peer should come to his fortune, and who was well qualified to take a seat in this House, whether any man would feel it an improper thing, and in any way inconsistent with the practice of our constitution, or the general system of our legislature, for such a person to have a seat in this House? I would ask any man what objection he had against such a person mixing with us in this House? I say there can be none. I say further, that this is an advantage to the nobility of Ireland, and an improvement in the system of representation in the House.

The next point is, the power reserved for his majesty to create new peers. The objection is, that they may be too large for the constituent body, and occasion a great deal of inconvenience to that which is elective. To this I answer, that they can never exceed a given number, and that it is necessary to give this power to the crown; for that the titles in Ireland are under very different circumstances from those of Scotland. In Scotland, the titles of nobility are much more ancient, under very different limitations, and must, from that very difference of limitation, continue much longer than those of Ireland: in the one, the titles are to descend to collateral branches; in the other, the patents are more limited, are confined to immediate male descendants, and consequently must much sooner expire. In the one, the probability of extinction is very small in the course

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of a vast period of time; in the other, it would certainly happen in a short time, if the power of adding to, or making up the number, were not given to the crown. The other part of this article, on the frame of the parliament of Ireland, relates to controverted elections, and the privileges of peerage to such as are not chosen to represent it; they continue under the same regulation as the peerage of Scotland.

The next article relates to the continuance of the church of Ireland, and of England, and of Scotland: upon which the articles differ in nothing from the articles which we ourselves have sent to Ireland, except under the head of a convocation, to which, I apprehend, there can be no objection. I shall only say this, on so interesting a subject, that the prosperity of the church of Ireland never can be permanent, unless it be a part of the union to leave as a guard, a power to the united parliament to make some provision in this respect, as a fence beyond any act of their own that can at present be agreed on. It may be proper to leave to parliament an opportunity of considering what may be fit to be done for his majesty's catholic subjects, without seeking at present any rule to govern the Protestant establishment, or to make any provision upon that subject.

The next is an article of more detail, and on which the discussion may be more large hereafter than I can expect it to be at present—It is extremely interesting; I mean the article of commerce. I am sure every gentleman in this House is ready to say, that the consequence of the union ought to be a perfect freedom of trade, whether of produce or of manufacture, without exception if possible; or that a deviation from that principle ought to be made only where adhering to it may possibly shake some large capital, or materially diminish the effect of the labour of the inhabitants, or suddenly and violently shock the received opinion or popular prejudices of a large portion of the people; but that, on the whole, the communication between the two kingdoms should in their spirit be free; that no jealousy should be attempted to be created between the manufacturers of one place and the other, upon the subject of "raw materials," or any other article: for it would surely be considered very narrow policy, and as such would be treated with derision, were an attempt made to create a jealousy between Devonshire and Cornwall, between Lancaster and Durham, between Northumberland and Scotland, between Wales and Chester, Hereford, or any other county. I say then, the principle of the union on this head should be liberal and free, and that no departure from it should ever take place, but upon some point of present unavoidable necessity. That perfect freedom of trade is your object and your end; and if in any instance you turn aside from that road, you only do it because you are convinced that on the whole matter you follow the shortest way to arrive at the end of your journey. I ought also to say, that some degree of local inconvenience is not to be set in the way of a great national arrangement; and happy am I to observe, that such is the enlarged judgment, and just and patriotic feeling, of the enterprising merchants of both nations, that they will be found, generally speaking, as forward as any member of this House to act up to the spirit of which I have just taken notice. All regulations, therefore, under the heads of bounties or prohibitions, and all subjects of that nature, should be made as moderate and equitable as possible.

The parliament of Ireland have added an article of great importance, which is, however, consistent with the resolutions transmitted from this country; it is, that there shall not only be no new prohibition, but those now in existence, with a few exceptions, shall be repealed. It is a great satisfaction to me, that the articles are few, and that the duties do not exceed ten per cent. With respect to the woollen, they propose a protecting duty for the period of twenty years. With respect to the cotton manufacture, they also propose a protecting duty of ten per cent; but on two important branches of it, viz. the calico and the muslin, for the encouragement of which they are very anxious, the duties which they propose are considerably higher. In the whole of these alterations, I do not think there is any thing which can give any uneasiness to our manufacturers, except in the single case of the woollen trade. The manufacturers of this country do not, I believe, wish for any protecting duties; all they desire is a free intercourse with all the world: and though the want of protecting duties may occasion partial loss, they think that amply compensated by general advantage. In the article of wool, I understand, there is much difficulty entertained. In the case of manufactures, where capital is invested, pro-

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tecting duties may for a time be required; but can any man believe that the exportation of manufactured wool from this country could be productive of any serious inconvenience in the present unexampled prosperity of our trade? Can any man believe that, by permitting this exportation, capital can be so immediately transferred as to occasion a sudden shock in any part of the country? This is a subject upon which I am anxious to obtain every information; but I am inclined to think, that the effect of this arrangement will be to encourage the growth of wool in Ireland, and that we may draw supplies of it from that country. I do not fear that there will be trade enough for both countries in the markets of the world, and in the market which each country will afford to the other; and I have no doubt but that the capitals of Great Britain and Ireland will be employed in that species of trade to which it can be applied with the most advantage.

I beg pardon of the committee for anticipating with more particularity than was necessary, what may be hereafter said upon some of the subjects on which I have spoken, especially on that of trade; but I have done so because I wished to take a short survey of the general outline of this important subject. I am not aware of any thing very material which I have omitted; but if there should be, it may be supplied hereafter.

The next article, and the only one consisting of minute details, relates to apportioning the shares of the revenue of each country respectively. It were a circumstance much to be wished, that the finances of both countries were so nearly alike, that the system of both could be identified; but as from the different proportions of debt, and the different stages of civilization and commerce, and the different wealth of the countries, that desirable object is rendered impracticable, at least for some time to come, it becomes an important question, would you defer the advantage of the union because you cannot at once carry it to the extent you would wish? Or will you defer it until, by the increase of the debt of Ireland, and the decrease of the debt of England through the means of the sinking fund, the two countries had so far approximated to each other, that an identity of finance might be established in the first instance? But it had been said, what security can you give to Ireland for the performance of the conditions? If I were asked what security were necessary, without hesitation I would answer, none. The liberality, the justice, the honour of the people of Great Britain have never yet been found deficient. I would refer them to former precedents; I would desire them to look at our conduct towards those nations who have already incorporated with us, to Wales and to Scotland; that will convince them that there is the most perfect safety, even if there were no stipulation. But to avoid all suspicion of unduly loading our sister kingdom with more than her due share of the expenses of the state, to obviate all imputation of partiality, particularly as on that objection the opposers of the union grounded one of their most important objections, the parliament of both countries have fixed the proportions to be paid by each for a limited time at the expiration of which it is presumed the finances of each may so far approximate, that they may be assimilated and identified: with a provision, nevertheless, that if that desirable event can be effected sooner, the Imperial parliament shall have power to make any future revision or alteration. It most certainly will be desirable to ascertain, in as exact a proportion as possible, the quantity to be paid by each country The plan I have already proposed is, as I think, the best that can be devised, not taking it from any one criterion, but from a blended and mixed consideration of the population and the revenue. Upon this the proportions are founded, and the ratio fixed for twenty years, unless the Imperial parliament shall make future regulations. And here it may be necessary to observe, that the finances of both countries may be identified, although the debt of England should exceed by a large proportion the debt of Ireland, because, by the rapid increase of the sinking fund, it may be as soon discharged as the debt of Ireland, and a large debt sooner discharged will be equivalent to a smaller debt requiring a longer term for payment. I have already stated, Sir, that the proportion of contribution of Ireland is to England, as about seven and one half to one; and this is calculated upon the consumption of the several articles, considered both as to their value, and their value compared with their bulk, and upon those articles of general use which seem to afford the materials for the surest ground of calculation, such as malt, tea, sugar, and others of that description. It has

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appeared from this investigation, that the proportion proposed in this resolution, has been the proportion, as nearly as can be ascertained, in which Ireland has contributed during the present war. It must be most satisfactory, Sir, to consider, that in adopting this arrangement, the present existing system is not at all disturbed. It will continue in its accustomed proportion; and at the same time, for the security of Ireland, it is provided that any article shall not pay a greater tax than the same article pays at the same in England. If there shall remain any surplus revenue after the current expenses are paid, it is to be appropriated either to the liquidation of the debt, or for the purposes of national improvement for that country. There then remain some other regulations, which have for their object the gradual abolition of all distinction in finance and revenue between the two countries, and to accelerate the time when both countries form but one fund, and pay one uniform proportion of taxes throughout each. It is obvious, while there remains a disproportion of debt, they cannot form one fund, that event cannot take place till by the operation of circumstances that disproportion is destroyed: yet, Sir, as I have already observed, the real value of the respective debts may be alike before they are of the same magnitude, because if our sinking fund will discharge our larger debt, before the debt of Ireland can be discharged, though not of equal magnitude, the greater debt discharged in the shorter time may not surpass the less debt remaining a longer time unpaid; and whenever the real value shall be alike, the finances of both countries may be assimilated and identified, and it will remain in the discretion of the united parliaments to abolish all distinction of quotas and contributions, and fix one rate of taxation throughout the united kingdoms, subject merely to such local abatements as from circumstances may become necessary.

The remaining provisions are such as I conceive no gentleman in this House can object to; they relate to agriculture, and to the allowance to Ireland of a participation of your territorial revenue from India. I hope and trust that this plan is equitable on a large scale; favourable I know it is, satisfactory I hope, to Ireland; and I trust also, that in the main it will appear to this House that the whole has a tendency to accelerate the period of identity as well as union The last article is one that has in it nothing new; it relates to the courts of justice in Ireland; it preserves to Ireland its civil and ecclesiastical courts, subject to the regulations which the wisdom of the united parliament may adopt.

I trust I have made myself understood in what I have stated to the committee under general heads, which will require detail hereafter. I have said enough to satisfy this committee, that the Irish parliaments' resolutions are consistent with those which you laid at the foot of the throne, and pledged yourselves to carry into effect on your part, if ever, by his majesty's command, they came again to you for consideration. When I recollect also, that the objection to the resolutions, when they were before the parliament of this country, was not so much to the substance of the resolutions themselves, nor the manner in which they were to be submitted to the parliament of Ireland, as that the subject should not then be agitated, because neither the parliament nor the people were in a state to agree to the measure; I trust I may say, that the fears which were expressed on that occasion were illusive, and the hope that was entertained has been verified. The ample discussion which every part of this subject has met with (so ample that nothing like its deliberation was ever known before in any legislature) has silenced clamour,—has rooted out prejudice,—has over-ruled objections,—has answered all arguments,—has refuted all cavils, and caused the plan to be entirely approved of. Both branches of the legislature, after long discussion, mature deliberation, and laborious inquiry, have expressed themselves clearly and decidedly in its favour. The opinion of the people who, from their means of information, were most likely, because best enabled, to form a correct judgment, is decidedly in its favour.

Let me not say, however, for I do not intend it, that there were among the intelligent part of the public none who were against the measure; I know there were, and I know too, that, in a question involving so many interests, the same thing will, to different individuals, appear in different points of view: hence arises a diversity of opinion. That has been the case in almost every thing that ever was argued, and must be so in every thing that is contested; but after all, it is clear that the parliament was in a situation, that the people of Ireland were in a situation, to

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judge of this measure. It was not because the measure was not vigorously opposed: the friends of the measure have had to stand against the threats of popular violence,—against the enemies of the government under the lead of Protestants —against the violent and inflamed spirit and fierce attack of the Irish Catholics,— and against the aggregate of all evils, the spirit of all mischief, the implacable opposition and determined hostility of furious Jacobinism; they had to meet the inflamed passions of disappointed ambition, which, under the name and pretext of superior patriotism, under colour of jealousy for others freedom, under affected tenderness for landed interest, affected care for commercial welfare, would reduce the state to ruin because they were not its rulers. Notwithstanding all this opposition, the parties engaged in it have not been able to prove any thing, but that their own fury was ungovernable, their predictions chimerical, and their hopes delusive. The friends of the measure have had to stand against the principles which fomented and unhappily inflamed the late Irish rebellion: they had to contend against the active but mischievous efforts of the friends and champions of Jacobinism, to whom it was enough to make them hate the union, that it had a tendency to preserve order, because any thing like order was an extinction of their hopes. We have seen, that the wisdom of parliament and the good sense of the people of Ireland have prevailed over this mighty host of foes; we have seen the friends who supported, and the enemies who opposed this great national object; and are enabled, by all that has happened, to judge pretty accurately of the sentiments of both, with their tendency or effect on the fate of the British empire. It is under that confidence that I do what I am now doing, and will continue to do whatever may depend on me, to submit to the committee all necessary measures to carry this great and important work to its full, and, I trust, speedy accomplishment.—Mr. Pitt then moved the first resolution.

Mr. *Grey* rose and said:—Sir; in labouring to complete the union in Ireland, the right hon. gentleman has done what perhaps he had a right to do, in assuming, from the resolutions passed last session of parliament, that the House had sanctioned the principle of the measure, and that the only subject now to be discussed was, the most expedient method of carrying it into effect. But, Sir, this assumption is rather awkward and unfortunate for me; as I object, not so much to the manner in which it is proposed to carry the union into effect, as to the principle of the measure itself. To this, Sir, I have the strongest and the most insuperable objections; and I should have supported the hon. gentleman who opposed the Speaker's leaving the chair, had I not thought, that from what the House had done formerly, and from the message which had been received from his majesty, the right hon. gentleman was entitled to carry the business into a committee. It is not my intention to follow the right hon. gentleman through the reasoning he has adduced, as it would be wasting a large portion of the time of the committee. I shall chiefly confine myself to state what was neglected to be urged last year, to object to the principle of the measure, and the time at which it is brought forward. The right hon. gentleman stated, towards the end of his speech, what, if true, would be conclusive. It was stated in the message of the lord lieutenant, that the only ground on which the measure could pass was a change in the opinion of the public; it was said, that the proposal was an appeal "from Philip drunk to Philip sober;" that this change was not expected from the House of Commons, but from those out of doors; that an appeal was to be made from the Irish parliament to the Irish people. This appeal, the right hon. gentleman says, has been completely successful; and though no opposition has been shown to the union which might not be expected to a plan so novel and so momentous, he says, that the free, unbiassed, uncontrolled opinion of the Irish nation is decidedly in favour of the measure. If the truth is such, I see no objection to proceeding; but if the case is different, and the Irish took every opportunity left them of testifying their abhorrence of a union, we are bound in reason and justice not to proceed one step farther in the business. It is stated in the speech of the lord lieutenant to the Irish parliament, and more clearly and positively in the speech of the minister, that five sevenths of the country, and all the principal commercial towns, except Dublin, had petitioned in favour of the union. This statement I shall disprove; and having made a few observations with regard to the time at which the scheme

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is brought forward, I shall conclude by making a motion, which, if carried, will set the business at rest, at least for a season. The way in which it is attempted to be made out that five-sevenths of the country had petitioned for the union, is, by saying that nineteen counties had, and that these counties constitute five-sevenths of the surface of Ireland. That petitions were presented from several different counties, I will not deny; but by what means were they obtained, and by whom are they signed? The lord lieutenant, who, besides being the chief civil magistrate in the kingdom, is commander of a disciplined army of 17,000 men, who is able to proclaim martial law when he pleases, and can subject whom he pleases to the arbitrary trial of a court martial, in his progress through the kingdom, procured these petitions, which are signed by few names, and those by no means the most respectable. It has been said, that all were Jacobins who opposed the union. It might be said, with more truth, that a great proportion of those who signed these vaunted petitions in favour of it were men in the power of the lord lieutenant, and who were obliged, from the fear of punishment, to come forward and put down their names. These petitions besides, were clandestinely obtained; not one of them was voted at a meeting called together by the high sheriff. They can with no propriety be called the petitions of counties; they are merely those of a few individuals. Yet the right hon. gentleman tells us that they prove the whole Irish nation to be decidedly in favour of the measure. Of this species of groundless declamation, however, he has not the honour of being the original inventor. We have an admirable instance of it in our great dramatic poet. The duke of Buckingham, in giving Richard 3rd an account of the manner in which the citizens of London had agreed to his claim to the crown, says, after describing the taciturnity and gloominess of the assembly, and their seeming dislike to him,

——"Some followers of mine own,
At lower end of the hall, hurl'd up their caps,
And some ten voices cried, God save King
Richard!
And thus I took the 'vantage of those few—
Thanks, gentle citizens and friends, quoth I;
This general applause, and cheerful shout,
Argues your wisdom, and your love to
Richard."

Fortunately there were many petitions on the other side, petitions which were not obtained by solicitation, but at public assemblies, of which legal notice had been given. Twenty-seven counties have petitioned against the measure. The petition from the county of Down is signed by upwards of 17,000 respectable independent men; and all the others are in a similar proportion. Dublin petitioned under the great seal of the city, and each of the corporations in it followed the example. Drogheda petitioned against the union, and almost every other town in the kingdom in like manner testified its disapprobation. Those in favour of the measure possessing great influence in the country, obtained a few counter-petitions; yet, though the petition from Down was signed by 17,000, the counter-petition was signed only by 415. Though there were 707,000 who had signed petitions against the measure, the total number of those who declared themselves in favour of it did not exceed 3,000; and many of these even only prayed that the measure might be discussed. If the facts I state are true, and I challenge any man to falsify them, could a nation in more direct terms, express its disapprobation of a political measure, than Ireland has of a legislative union with Great Britain? In fact, the nation is nearly unanimous, and this great majority is composed, not of fanatics, bigots, or Jacobins, but of the most respectable in every class of the community. I by no means say that the parliament of Ireland is either disrespectable or dependent; but when I look upon these facts, and consider the majority who voted with the minister, I must say, that if left to itself, untempted, unawed, unintimidated, it would, without hesitation, have rejected the resolutions. There are 300 members in all, and 120 of these strenuously opposed the measure, among whom were two-thirds of the county members, the representatives of the city of Dublin, and almost all the towns which it is proposed shall send members to the Imperial parliament: 162 voted in favour of the union; of those 116 were placemen, some of them were English generals on the staff, without a foot of ground in Ireland and completely dependent upon government. Is there any ground, then, to presume, that even the parliament of Ireland thinks as the right hon. gentleman supposes; or that, acting only from a regard to the good of their country, the members would not have reprobated the

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measure as strongly and unanimously as the rest of the people? But this is not all; let us reflect upon the arts which have been used since the last session of the Irish parliament to pack a majority in the House of Commons. All persons holding offices under government, even the most intimate friends of the minister, if they hesitated to vote as directed, were stripped of all their employments. Even this step was found ineffectual, and other arts were had recourse to, which, though I cannot name in this place, all will easily conjecture. A bill framed for preserving the purity of parliament was likewise abused, and no less than 63 seats were vacated by their holders having received nominal offices.

I defy any man to lay his hand upon his heart and say, that he believes the parliament of Ireland was sincerely in favour of the measure. We are to receive 100 Irish members into the House of Commons; and these the right hon. gentleman says will be sufficient to express the will and support the interests of the Irish nation. By the vote of these the union would have been rejected, as almost all the members for the counties and towns by which they are to be chosen keenly oppose it. Thus, on the right hon. gentleman's own ground, his assertion is refuted. I therefore call upon you to pause. We have no right to discuss this question, unless it be proved to us that the passing of these resolutions will be agreeable to the great body of the Irish nation. Perhaps I may never have another opportunity of delivering my sentiments upon this subject; I therefore beg the attention of the committee, while I advert to some of the favourite arguments of the unionists. Their grand source of arguments is the experience of the benefits derived from the union with Scotland. I can see no analogy between the circumstances of the Scotch union, and those which call for a union with Ireland. I admit that the opposition the Scots made, in the reign of queen Anne, was not inferior to the indignation of the Irish at the present day; but this is the only point of similarity between them. To an union between Scotland and England there was no physical impediment; the relative situation of the two countries is such, that the king himself can administer the executive government in both, and there is no occasion for a separate establishment being kept up in each. A complete identification was practicable between the two countries, and the same taxes, duties, &c. were imposed without difficulty over the whole island. The same regulations cannot possibly take place with regard to Ireland. In Ireland, there is a separate national debt; that of England is now become enormous; and it will be necessary that there be always a separate council of state resident on the spot. Ireland can have no security that she shall not be oppressed, unless she pays the very same taxes with Britain. I am far from supposing that the British members will wantonly abuse their powers; but the property of a nation should not be left at the discretion of any man, or any set of men who are strangers, however just or generous he or they may be; and it is impossible for Ireland to enjoy that security which her constitution at present affords her, if she is united to England in the manner proposed. It is impossible that men should so coolly and dispassionately consider a tax which does not affect themselves, as if they were immediately to pay it; not more than one-sixth of the united parliament will be Irishmen. We naturally take a pleasure, when in calamitous circumstances, in bringing others into a situation equally deplorable; it is therefore to be apprehended that we would not unwillingly be instrumental in making the burthens of Ireland as heavy as our own. Ireland must likewise have a separate government. I affirm that this is an insuperable bar to a beneficial union; and for the truth of what I say, I refer to lord Somers, who was minister when the Scottish union was brought about. He affirms, that it was necessary that the privy council should be abolished in Scotland; and to prove this, he shows that innumerable calamities have been brought upon England by the independent councils which in former times subsisted in different parts of it, the western and northen councils, and particularly the councils of the marches of Wales. He goes so far as to say, that if it were necessary to preserve a separate executive government at Edinburgh after an union, he would abandon the measure. From the opinion of that illustrious statesman, and from many arguments which might be adduced to support it, I maintain that where moral or physical obstacles interfere to prevent the complete and perfect union of two countries, it is better for both to be governed

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by the same king, and each to retain its own legislature. The dissimilarity between the circumstances of the Scotch and Irish unions will appear more striking when we compare the causes that rendered the former necessary, with those which are said to produce an equal necessity for the latter. The general arguments for both are obvious and similar, I allow; but the right hon. gentleman very properly disclaimed all intention of supporting his cause by theoretical reasonings. The basis of the argument is the danger arising from the continuance of the present system. That in this point of view there is any similitude I boldly deny, and that there is none I will demonstrate. The difference between Scotland and England was not between people and people, but between parliament and parliament. The Scotch had prohibited the importation of English goods into Scotland; they had established a trading company, which interfered with the colonial arrangements of England and nearly embroiled her with Spain; they had refused to limit the succession to the crown, and had even enacted, that it should not descend to the same persons with the crown of England. An act was about to have been brought into the English parliament to render all Scotsmen aliens, and another to fit out a fleet to attack all Scotch vessels they should fall in with. Here there was no alternative but union or war. Two proposals were made to the Scotch: that they should limit the succession to the crown in the same manner as in England, and that they should agree to a legislative union. Had they agreed to the first proposal, it is the opinion of many that the scheme of a union would have been given up; but they refused to consider it; and in these circumstances it was necessary either to press them to agree to unite their parliament with that of England, or to treat them as enemies. Even in these circumstances I cannot justify the means which were used to accomplish the plan: but how must every honest man feel indignant, when he considers that, in very different circumstances, more unjustifiable arts have been used to bring about a measure altogether unnecessary? Has Ireland prohibited the importation of your goods? has she disturbed your possessions in the Indies? has she refused to limit the succession to the crown, in the same manner as is done by the parliament of Britain? On the contrary, is there not between the two countries an agreement which nothing but the folly of ministers can derange, and an affection which nothing but their violence can destroy?

It is said, that the union is intended to counteract the designs of the enemy, to quell sedition, and to consolidate the connexion between the two islands. The difference of opinion with regard to this measure rests entirely upon its consequences. If the right hon. gentleman should prove that it would unite the hearts and interests of Irishmen and Englishmen, not one word more should he hear from me in opposition to it. But I am convinced that these dangers arise, not from the present constitution of Ireland, but from the manner in which it is administered. The manner in which that country has been governed for some years has been impolitic and cruel in the extreme, and as its natural consequences. Let the system be changed, and the dangers will disappear. It was stated last year that the circumstances of Ireland so exactly resembled those of Scotland, that the kingdoms must either be immediately united in their legislatures, or separated for ever. I heard this sentiment expressed with great concern; for, if the union should not be carried (and I am far from thinking that it is yet carried in Ireland), what encouragement would be held out to our enemies! But it is false that there is any such necessity; and, if you adopt liberal measures with regard to the sister kingdom, you will do more in dissipating the dangers which threaten her, than by any attempt to incorporate her legislature with ours. There are men who try to prove (as Montesquieu did with regard to the Japanese) that the Irish are such a barbarous, unprincipled, turbulent race of men, that they are incapable of freedom, and must necessarily be ruled with a rod of iron. This strain of invective has been particularly indulged in by a noble lord, in speeches and publications. I shall not attempt to follow him through all the mazes of his argument, but shall shortly inquire whether, since 1782, the Irish really deserve the character which has been ascribed to them. It has been urged that the concessions made to them at that time were extorted by an armed convention. This, perhaps, is not the least praise of that period; some of the best of our rights have been so obtained. But when the concessions were made,

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was there not universal joy throughout the kingdom, and were not large supplies granted with the utmost cheerfulness? From the period of 1782 to the year 1785, nothing happened to disturb the mutual harmony, or to create jealousy and distrust. In 1785 commercial propositions were submitted. The Irish parliament did not choose to accede to them, and they were rejected; but did that rejection produce any real danger? No; those very things, or at least the greater part of them, which were recommended in the propositions, were afterwards done by the two parliaments separately, which were to have been done by mutual arrangement. From 1785 to the period of the regency nothing occurred. The Irish parliament then proposed that the prince of Wales should be the regent without limitations. The British parliament proposed that he should be regent with limitations: but did any of those gentlemen who then acted in opposition, believe that this difference between the two parliaments tended to a separation? But, lest any possible danger should arise from any such difference, the greatest enemy to this measure of a union brought in a bill to prevent it; it was thrown out by those who adduce this very case as tending to a separation between the two countries. In 1792, the Catholic question was brought forward: young Mr. Burke was appointed the agent for the Catholics: the petitions which they then presented were rejected by a great majority: in the following year, under the sanction of government, they were received and carried with little or no opposition at all. Then came the war, the parliament of Ireland concurring in all the measures necessary for carrying it on. I come now to the eventful period of 1794. At the close of that year, earl Fitzwilliam was appointed lord lieutenant. During his administration the Catholics represented their claims, and an attempt was made to ameliorate their condition. But will any one say, that these proceedings were factious, or that they testified a desire to erect Ireland into a separate independent state? These claims had been considered by the British government, and were allowed to be reasonable. The bill was brought in by one not more illustrious by his talents than by his virtues; not more distinguished for political knowledge, than for his love for the constitution of his country, and his zeal to defend it (Mr. Grattan). The bill passed almost unanimously; there was not even a division upon it. When we look back to the zeal, loyalty, and affection, which was then displayed; when we consider the large supplies which were granted, exceeding those of any former year; can we think for a moment that a disaffected faction then prevailed in Ireland? This was not a faction. Most unfortunately for Ireland, however, there then existed a desperate faction, which poisoned the ear of his majesty, and cut off from his devoted subjects those streams of royal favour and protection which otherwise would have flowed upon them. To that faction and its machinations I shall ever continue to attribute the subsequent misfortunes of that ill-fated country. Lord Fitzwilliam was recalled, and there then commenced a system of tyranny, cruelty, and barbarity, which continues to the present time.

It is by no means true, that the union is necessary to the emancipation of the Catholics. Any bill for that purpose can as well be passed in the parliament of Ireland as in that of the united kingdoms. The opposers of the claims of the Catholics affect to believe, that in that case their restoration to their political rights would produce a change of property in the country: they represent, that those who considered themselves as unjustly deprived of their property by former revolutions, would make a resumption of those possessions the first act of their newly acquired influence in the legislature. Nothing, however, can be more unfounded; those of the Catholics who would be called to the exercise of legislative functions, would be men who had acquired property by the practice of industry, and who would have an obvious interest to protect those titles on which depended the security of what they themselves possessed. To shake the security of a great part of the property of the country by countenancing any measure that aimed at the subversion of long-established possession and recognised titles, would subject their own to be swept away in the general confusion.—By what I have stated concerning the internal situation of Ireland, I think I have proved, that the evils by which that country has so long been afflicted do not proceed from a separate parliament, and that the remedy for them need not be sought by its abolition. I think I have shown too, that a legislative union would not be the cure for those

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particular evils by which Ireland has been distracted. The example of Scotland, which some consider so conclusive in favour of a union with Ireland, will not, upon a strict examination, be found so very encouraging an instance. In truth, much more good is ascribed to this single measure of union than history will warrant. It was not the union; it was the adoption of a liberal policy, the application of a proper remedy to the particular evils under which the country laboured, that removed the causes which had impeded the prosperity of Scotland.—But it is said, that the Catholics of Ireland may, on some future occasion, obtain indulgences from the liberality of the united parliament. It were much to be wished that the Catholics should now be distinctly informed of what advantages they may expect. If the privileges held out to them are sufficient to conciliate their support to the measure, so far as they are concerned, my argument would be at an end. I do not see the wisdom of insinuating to them vague hopes of future benefits. They may be induced to conceive expectations which, if disappointed, may produce much serious discontent. Encouraged to entertain sanguine hopes, they may afterwards complain that they have been deceived. The consequences of such misunderstanding, and such disappointments, may be dangerous to the peace of the country. Indeed, of the indulgences which they may receive from a united parliament, considerable doubts may be entertained. We know that the keeper of the king's conscience in the sister kingdom gave it as his opinion, that the claims of the Catholics in Ireland could not be granted by his majesty without a violation of his coronation oath. Such an objection certainly would operate as strongly against them at any future period, as it could do in any measure that could be projected for their relief in the separate legislature of Ireland.—But to revert to the case of Scotland, on which so much argument has been founded: if we look back to the history of the present century, we shall be at some loss to discover, at least for a very considerable period, the proofs of that tranquillity, that happiness and prosperity with which the union was attended. If we survey the state of Scotland posterior to that event, we shall find much discontent, much dissatisfaction, turbulence, and rebellion. The progress which that country has since made in commerce, manufactures and wealth, is to be attributed to many circumstances besides the union. We should expect, at least, that a cause which is represented to have been so powerful in its operation, would have had some connexion of time with its effect. This connexion between the union and the prosperity of Scotland it is not very easy to discover. It is a fact, that the trade of Scotland in many places actually decayed after the union, and the linen trade in particular. Neither is it fair, in estimating the benefit of the union, to compare the state of Scotland now, with what it was at the beginning of the century, and to impute the difference solely to the union. Scotland, doubtless, would have partaken of the general improvement which almost every nation in Europe has, since that period, undergone. What would any man say, if the progress of America in wealth and riches since the establishment of its independence were to be ascribed to the intimacy it formed with France, and to the renunciation of English connexion? Such an assertion would be stigmatized both as a false and a dangerous possession. In truth, for a period of more than forty years after the union, Scotland exhibited no proofs of increased industry and of rising wealth. Till after 1748 there was no sensible advance of her commerce; several of her manufactures were not established till sixty years after the union, and her principal branch of manufacture was not set up, I believe, till 1781. The abolition of the heritable jurisdictions was the first great measure that gave an impulse to the spirit of improvement in Scotland. From that period the rise of commerce and manufactures is to be dated. Since that time, the prosperity of Scotland has been considerable, but certainly not so great as that of Ireland has been within the same period. By comparing the progress of each, we shall find that some general causes contributed to their advancement, and we must be convinced that to the union have been ascribed effects which were owing to very different causes.

It was said last year, in the debate upon this subject, by a right hon. gentleman opposite (Mr. Dundas), that the union was so popular in Scotland a few years after its conclusion, that the Pretender, on his arrival in that country in 1715, had found it necessary to expunge from his proclamation that passage in which he

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promised that the union should be dissolved. This assertion was made so confidently, that I was staggered by it, notwithstanding its being so inconsistent with the general accounts of the state of the public mind in Scotland at that time. After a good deal of inquiry, however, I have been able to discover the authority on which the assertion was made. I find too, that this authority is single, and unsupported by any concurring testimony. This authority, then, is a note in Somerville's History of Queen Anne, founded, too, upon a manuscript of Sir John Clerk. This history was published in the year 1798. The note had no reference to the immediate text; and, after all, the authority of sir John Clerk, though a very respectable man, is somewhat doubtful in such a point. He was connected by marriage with the duke of Queensberry, who managed the business of the union in Scotland. Indeed, it was no more surprising to find such a man endeavouring to represent the union as popular, than it would be to find lord Castlereagh, or some of his relations, writing from Ireland that the project of union was supported by the general voice of the country. That the union was not popular in Scotland, we find from a series of the most unquestionable documents. In 1713, a motion was made by the earl of Finlater to dissolve the union; and that motion was supported by the Whig party, by lord Sunderland, and several others who had been commissioners in adjusting the transaction. Upon that occasion there was an equality of votes, there being 54 on each side; and it was decided in favour of an union, only by a majority of four upon the proxies.* There were several proofs extant from letters written by friends to the measure, and decided foes to Jacobinism, that the union was very unpopular in Scotland. In 1715, when the earl of Mar took the field in the cause of the house of Stuart, he announced the design to restore the old constitution of Scotland, and a declaration was a few days after issued by a number of the principal persons on the same side, in which the union was particularly reprobated as a grievance. Thus it is clear, that the friends of the Pretender considered union unpopular, and thought that it would be favourable to their cause to encourage the hope of its repeal. The Pretender himself, on his landing, issued a proclamation in the same spirit, to conciliate the support of the people, who viewed the union as the extinction of their national independence, and the introduction of a foreign yoke.

From the whole history of those periods, it is evident that the effect of the union had been unfavourable to the repose and tranquillity of the state. It was an additional subject of discontent to a people already labouring under many disadvantages of internal government and regulation; and till the real cause of the evil was removed, till the grievances were remedied, no progress was made towards the establishment of tranquillity, and to the advancement of commerce and manufactures. Such will be the fate of Ireland if the union be adopted without applying a cure to the internal defects which detain that country in a state of distraction. Till the grievances of Ireland are done away, till the disabilities under which the Catholics labour are taken off, no progress will be made securing the public tranquillity, or in promoting the extension of commerce and of wealth. If it be really in contemplation to confer any further privileges on the Catholics, as has been insinuated, why may they not as well be granted by the Irish parliament? The legislature of Ireland is undoubtedly competent to such a measure, and indeed to carry into effect every other, which would tend to allay animosities, and promote the general happiness.

I cannot refrain from expressing my dissent from several of the positions which the right hon. gentleman has laid down. Respecting the article in which the mode of representation is fixed, I differ entirely from him. The right hon. gentleman will never convince any impartial man that the introduction of 100 new members into this House, will not be a serious innovation. The right hon. gentleman considered the precise number of little importance. Undoubtedly, any number that gives Ireland her proper share and influence in the legislature of the united kingdoms, is that which ought to be adopted: that precise number, indeed, it is difficult to fix. Besides this, however, it is a point of the highest importance to consider how this additional number of members will affect the composition of the House itself. I am the less embarrassed in delivering my sentiments upon this subject, as, in the plan of parliamentary reform which I submitted to the House, it never was proposed to increase the number of members. Even the plan of reform proposed by the right hon. gen-

* See Vol. 6, p. 1219.

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tleman himself, went upon the principle of preserving the number the same, by extinguishing a number of boroughs to balance the number of members that were to be introduced by a more popular election.—The right hon. gentleman says too, that the new members will not increase the influence of the Crown. They will consist chiefly of the county representatives, and those for the more populous towns. Though three-fourths of the county members are now against the union, I confess I should distrust them when they come over here as members of the united parliament. I suspect that they will rarely be adverse to the measures of any administration. We have an example of the uniform support which the members for Scotland have given to every set of ministers. We have reason to apprehend, that the Irish members will become a no less regular band of ministerial adherents. The expenses of contested elections will become so great, that it will be impossible for any man to sustain them who is not supported by the Treasury. All the hopes, all the views, of the members will centre in the minister; and they will naturally be led to add themselves to the ranks of his constant and unalterable supporters.

With respect to the peerage, I see less objection to the proportion of representatives that has been fixed. I can see no reason, however, why the peerage should be kept up in the manner proposed. It would be better, in my opinion, to allow it gradually to become identified with the British peerage, without reserving any particular representation. This, indeed, is a matter of detail upon which I shall not at present insist, as I may afterwards make it the subject of a separate motion. —The regulations respecting commerce and revenue appear to be liable to little objection. They are likewise matters of detail, which may be better considered when the articles are discussed separately. But whatever may be the merits of any of the proposed conditions, the great preliminary point is, to ascertain the sense of the people of Ireland. I shall not enter into any abstract inquiry into the competence of the legislature to adopt the measure of an incorporating union. When a measure of such infinite importance is to be adopted, it is not too much to say, that it ought not to be concluded without the fair consent of the people of Ireland, nor against their decided voice. Why do we inveigh against the violence of the French for compelling into their connexion countries to whom they leave no room for free deliberation? Why do we stigmatize such violation of the freedom and independence of states, if we could be guilty ourselves of the fault which we reprobate? I trust, that the detestation we express of French proceedings is sincere: I trust, that it is founded upon the solid principles of justice, upon a genuine love of liberty, and that it will not be belied by our conduct. I hope, that whilst we hold up as sacred the independence of nations, we do not merely honour the principle with our lips, but that we cherish it in our hearts. If we assist in depriving others of the bulwarks of their liberties, we overthrow the securities of our own. The excellent maxim of our religion, "Do to others as you would that they should do to you," is no less a binding rule in the relation of societies to each other than in the intercourse of individuals. Our duties, indeed, are fortified by our interests. We are deterred from the commission of injustice by the danger of subjecting ourselves to be in turn its victims. We cannot bestow upon the government that power which is necessary to subdue the freedom of others, without arming them with weapons that may be fatal to our own liberty. "I rejoice," said lord Chatham, "that America has resisted; for three millions of slaves in America would have been fit tools to overthrow the liberties of England." For the same reason I rejoice that the Irish have shown a determined resolution to preserve their constitutional rights and liberties. I trust that ministers will not be able, by undue means, to triumph over their opposition. If a union were effected by such means, it would, more than any thing, endanger the separation of the two countries. I shall therefore conclude with moving, "That an humble Address be presented to his majesty, praying that he will be graciously pleased to direct his ministers to suspend all proceedings on the Irish Union, till the sentiments of the people of Ireland respecting that measure can be ascertained."

Mr. *George Johnstone*, in a maiden speech, addressed the House as follows:—Sir; it is not to weigh the claims of contending manufacturers; it is not to discuss a little party question; it is not to balance the merits of rivals eager in the

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pursuit of power and ambition, that we are this day assembled: we are now required to extend our consideration to the past and the future destinies of nations, and to deliberate on the consolidation of the British empire; and our decision will effect its prosperity to the remotest periods. I shall briefly consider how far it is expedient to strengthen and confirm the bonds by which Britain and Ireland have hitherto been united; and what are likely to be the effects of the measure now proposed. Happily there seems very little doubt on the first point. All parties admit, that it is necessary to the security of both countries that they should remain for ever united; and that a separation would involve each nation in miseries the most fatal. Then let the impartial judgment of the hon. gentleman declare, whether it is expedient, that an union, involving the safety, and happiness, the power and glory of the two nations, shall depend, as at this moment, on the frail security of a crown placed on the same auspicious head; a security which fortune or accident may destroy: or, whether we shall render our union indissoluble, by uniting the two countries under the genial and protecting authority of one common legislature—a legislature influenced neither by an Irish nor a British spirit, but exalted above all party interest, purified from every selfish consideration; a legislature viewing with equal eye sectaries and conformists, protestants and papists, tempering the correction of evil, by a salutary respect for long-established prejudices, and cautious even in the pursuit of virtue, and in the distribution of impartial justice.—But the hon. gentleman asserts, that there exists an agreement between the two countries which folly alone can derange, and an affection which violence alone can destroy. I humbly beg leave to differ from him: I apprehended the greatest danger of a final and total separation. To me it appears, that if Ireland hath been united to England for so long a period, it is because its religious feuds, and the slow progress of civilization, enabled us to hold that island as a conquered country, which we permitted to exercise the forms of a legislative authority, while we reserved to ourselves all its real powers. But since the increasing wealth and prosperity of Ireland enabled her, at a period of our calamity, to free herself from the yoke, and rise into a co-equal state, how strong and how manifold are the symptoms of jealousy, which we may trace. Have we forgotten the rejection of the commercial propositions? Are the resolutions of the Irish parliament on the regency question no longer remembered? And whence did those precipitate resolutions chiefly arise, but from a desire to mark in an emphatic and solemn manner their exemption from the influence and example of the British parliament? But, says the hon. gentleman, it has been proposed to obviate in future the same source of discord. I wish to use the fact no further than to show, how readily causes of difference arise, where nations are accustomed to cherish the idea of a distinct and separate existence. In vain shall we flatter ourselves, that in the collective wisdom of deliberative assemblies, we have found a remedy against passion or prejudice; and thence infer that an union which has subsisted for 500 years, and which every individual now feels to be necessary, must be perpetual. Nations and senates, no more than individuals, can be purified from the dangerous and fatal impulses of passion and prejudice. In proportion as Ireland shall advance in wealth and prosperity, so will she cherish sentiments of independence; and soon will the national pride lead her to disdain the indirect influence hitherto practised; and to regard as mean and servile, as base and unmanly, even that deference for England which is due to her superior power and resources, and is in reality necessary so long as the two kingdoms are united under the same monarch. In such a state of the public mind causes of discontent will arise which human wisdom could not foresee, which human prudence could not prevent. The corroding and malignant humour pervading the nation, will attribute all real or imaginary grievances to the domineering insolence of British ministers, or to the abject servility of Irish statesmen; until in a fatal hour some daring adventurer, or enthusiastic youth, will propose to seek a remedy for the general discontent in a separation from Britain. Vain will be the resistance of the wise, vain will be the prophetic forebodings of the dispassionate. Vainly will they exclaim—"What God and nature have united, let no man burst asunder!" At such a crisis, the voice of reason and experience will be disregarded; passion and prejudice, jealousy and hatred will alone be heard, until the magic chain of union shall be for ever broken.

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If we consider the internal state of Ireland, we shall find motives no less imperious for the measure now under consideration. Such are the existing divisions, such the religious feuds and prejudices, and such the proportion that the part of the nation in which resides all political authority, bears to the remainder, that the existing government of Ireland, is a government ungrateful to the feelings of a large majority of the people of Ireland; and could not subsist otherwise than by the aid and support of England. Of all useless opinions the most useless are opinions formed from an abstract consideration of the nature of any particular government, for government is a thing for practical use, and is to be judged of from its effects, and not from its means. Yet I may be permitted to state, that a government however constituted, which is incapable of acquiring the confidence and the affection of a large majority of the governed, can never fully answer the purposes for which it is constituted; can never give peace, security and happiness to the people. A government subsisting through the aid of a foreign force, and in defiance of the prejudices of a nation, is a government of tyranny, morally and radically bad. But while I urge this point with all the confidence which dispassionate conviction inspires, let me not be supposed to cast any reflection on the parliament of the sister kingdom. For weak and prejudiced must be that Englishman, ungenerous and ungrateful must be that Irishman, who denies to the parliament of Ireland during the last thirty years, a just and honourable title to the gratitude of their country. Have they not successively procured a mutiny bill, a bill for octennial parliaments, a place and pension bill? Have they not relaxed many of the severe and penal laws which oppressed the Catholic majority in the severest manner? Have they not, in fine, rescued their country from bondage, procured her a free trade, and a constitution free to such as are admitted within its limits? If we except only those parliaments by whose sober wisdom, by whose temperate zeal, by whose undaunted firmness our own liberties were acquired, confirmed and defined, did ever any parliament possess stronger or better claims to the gratitude of their country. But, perhaps, it may be urged, that since I myself admit, that every form of government is to be judged of by its effects, why destroy a system under which so much advantage has already been obtained? Sir, I answer, that in these very acts I find the strongest evidence of the necessity of an union. If a parliament which has secured to the Irish nation benefits so incalculable is yet regarded with distrust and hatred by a large majority of the people, does it not afford irrefragable evidence, that the government of Ireland, by selecting its members from a small portion of the community, is incompetent to diffuse confidence and happiness to the nation, If, as has been asserted, the administration of Ireland had practised wanton and novel oppressions; if its members were abject and corrupt beyond example; if in the pursuit of personal interests they were totally regardless of the honour and glory of their country; it might still be possible to restore peace and happiness to the nation by a more just administration, by a change of men, by the enactment of wholesome restraints, and above all by the influence of honour and principle daily increasing among those exercising public trusts. But when I find that in spite of all the clamour that has been raised, the administrators of Ireland have done all that in human reason was to have been expected from human instruments; and when I perceive that in proportion as agriculture has advanced, as commerce has flourished as population has increased, so likewise have multiplied the discontent and dissatisfactions of the nation, I am irresistibly led to conclude that the evil is not in the administrators of power is not in the parliament of Ireland, but is inherent in that system which confines all political power to a single sect. I will not press the argument farther. I will put it broadly to the feelings, to the reason, to the conviction of every gentleman, whether Ireland can be happy or contented so long as the present religious and political divisions exist: and whether it is safe or prudent for the parliament of Ireland to attempt the only competent relief. And if these questions be answered, as I am sure they must be by every dispassionate reasoner, where can a remedy be found, but in the identification of the two legislatures?

Not less cogent are the reasons for the present measure which present themselves from a consideration of the state of Europe. We are now in the eighth year of a war commenced not to gratify the selfish purposes of ambition, not to

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increase our power and dominion, not to subjugate the weak, not to oppress the defenceless, but to preserve from profanation the sacred fabric of religion, to guard from contamination the beauteous structure of our laws and constitution, to rescue the civilized world from plunder and oppression, from anarchy and bloodshed. In this arduous contest, the most just and most holy ever waged by man, our efforts and our exertions have ever been proportioned to the magnitude of the danger; and when all the nations of Europe stood appalled, deprecating the awful power of the common enemy by abject submission, in this island every individual grasping his sword, and preparing to sacrifice whatever was most dear, resolved to conquer or to perish. By such means we have not only preserved our empire inviolate in all its parts, but have extended its influence and its dominion. What, then, remains but to concentrate our resources, by a bland assimilation which shall for ever obliterate the divisions of sectary and conformist, of Papist and Protestant, of English and Irish. But notwithstanding so many motives concur to render it expedient to confirm and strengthen the engagements subsisting between the two kingdoms, prudence might still hesitate in adopting measures of such infinite importance, as are now proposed, were we not enabled to judge of their effect from experience. A century has nearly elapsed since a similar measure was proposed and on that occasion there were likewise found men of honourable minds, and pure intentions who foreboded the loss of liberty in one country and the degradation of the other. Yet, in spite of these forebodings, the stock of public liberty has been preserved and increased, and we have seen Scotland rapidly advance in wealth and prosperity. Can we, then, hesitate concerning the benefits, which will be reaped by Ireland, protected from all burthensome impositions, enjoying a genial soil, a salubrious climate, and generously called to participate in the commerce of the world. Sir, there was a time when the commercial jealousy of the British nation would have been alarmed at concessions so unbounded, at grants so unlimited; but, to the honour of the present generation we are now actuated by more liberal sentiments, by more generous feelings. We feel that the rivalry of Ireland cannot be injurious to Britain. "But," says the hon. gentleman, "what security will Ireland possess for all the fair promises held out to her? Previous to 1782, when governed by English laws, the people of Ireland were the most oppressed set of men on the face of the earth." Sir, I admit that Ireland was cruelly oppressed by English law, but it was because she was regarded as a distinct and separate kingdom, or as a conquered country. Whatever be the blessings which a free government conveys to all within its pale, the history of mankind uniformly shows that the government of freemen is of all others the most oppressive to its foreign dependencies; for, not content with holding them in subjection to the state, attempts are always made to convert the industry and produce of these countries to private advantage, by restrictions on commerce or extraordinary impositions. Enlarged as now are our opinions on political economy, the same would be the consequence of England legislating for Ireland; and were such the measure proposed, I would most earnestly oppose it. But the present measure is, to destroy all difference of interest, all separate existence; and when henceforth the distinctions of English and Irish are abolished, will any man be found so narrow in his views, as to propose to advance the interest of one portion of the nation by the depression of the other?—But it has been said in Ireland, would you barter your liberty for commerce? No! in such a traffic, who so daring and profligate as to purchase? who so mean and abject as to sell? It is not the liberties of Irishmen that are infringed; it is not the independence of Ireland which is invaded; but, respecting those liberties, and acknowledging that independence, we solicit you to unite with us in a compact of which all the benefits are your own. It remains for me to consider briefly, what will be the effect on the constitution from the proposed increase of the two branches of the legislature. The hon. gentleman has illustrated this subject with great force of argument; yet will he not deny, that in the election of peers for life, and in choosing so large a portion of the Commons by counties and considerable towns, every thing possible has been done to secure their independence. I rather incline to think that in this House, as well as in another assembly, the increase of numbers will be found to increase the influence of the crown; and delicate as is the fabric of our constitution, whatever tends in the remotest degree to alteration must be re-

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garded as an evil. In expressing this sentiment, I trust I shall not be supposed to convey any insinuation unfavourable to the representatives of Ireland. From the manner of their election they must be persons of character and fortune. But their duty frequently requiring them to obtain regulations of a local nature, and sometimes to protect their constituents from the effects of partial laws, proposed through ignorance, they will naturally be led to cultivate the favour of the minister, in order more effectually to attain these ends; and in this inference I am warranted by experience, for such was found to be the effect of the Scottish union for fifty years after its accomplishment. But though impartiality compels me to acknowledge the evil I apprehend, I feel not the less eager for the completion of the union. Such is the lot of mortality, that in all general regulations, where multitudes are concerned, pure and unmixed advantage is never attainable. Did I really consider that our constitution was endangered by the small increase of influence which the crown will receive, no power on earth would induce me to support the present measure. It is the proud spirit of a free government which has made us great and powerful; it is the noble pride of liberty inherent in this nation which has enabled us to attain and preserve our present pre-eminence. Nor is it a small increase of the power of the crown which can impair the fabric of our constitution, whose image is preserved in every bosom. Conceiving the measure in all other respects highly beneficial, I cordially concur in the motion.

Mr. *Nicholls* said, that conceiving that a union between Great Britain and Ireland was calculated to remove the dangers existing from the manner in which they were now connected, he must concur in the motion. Two parties were labouring to effect a separation between these countries—a foreign enemy, and internal conspirators. The effect of this measure would be the disappointment of both. He commended the proposers of this plan for promising, in the first instance, an amelioration in the condition of the Roman Catholics of Ireland, who, at present, constituted the great majority of the inhabitants. In fact, these people could not be emancipated under the present form of their government; but there was a prospect that all their complaints would be removed when they became the minority of a great empire, and consequently could not inspire the united parliament with such apprehensions as the Irish legislature appeared now to entertain. He could not think that the measure was generally disapproved by the people of Ireland; were that the case, there would be petitions against it from all quarters of that island. If the Irish parliament had possessed the confidence of the people, there would have been no necessity for this measure. In adopting it, we were making a dangerous experiment; but, should it prove successful, its advantages would exceed all calculation.

Sir *G. P. Turner* approved of the measure, and apprehended no danger from the increased number of members in that House. There was, in his view of this measure, a fair reciprocity of benefits; and though he always admired the wisdom of the present administration, he particularly approved of the steadiness with which this important object had been pursued. The minister was a man not to be deterred from beneficial schemes by any clamour that might be raised against him: —"Justum et tenacem propositi virum," &c. He had already guided the vessel of the state through storms and tempests, and there was little doubt but he would conduct it safely into port. The sooner the present measure was accomplished, the better; when once effected, France would no more attempt to send her Brest fleet to Ireland.

General *Loftus* wished to set Mr. Grey right respecting his observations, that many English officers were introduced into the Irish house of commons, without their having any connexion, either by property or otherwise, with Ireland. He instanced general Craddock, and other officers, as exceptions to that assertion; and contended, that many of the military gentlemen who had been alluded to came into the Irish parliament on as independent grounds as any of the gentlemen who obtained seats in the British parliament. The parliament and the people of Ireland had lately proved themselves much wiser than they were last year. They began to see the benefits of the present measure. An Irishman would no longer be regarded as a foreigner, but would, from the hour of union, come into a full participation of the blessings of every kind which constituted the happiness of Great Britain.

Mr. *Grey* said, that when he observed

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that a general and several officers of the staff had been introduced into the Irish parliament without having any connexion with that country, he alluded principally to general Lake. Would not the hon. gentleman confess, that places, titles, emoluments, and honours were held out to bias the judgments and influence the votes of the Irish members; and that lord Castlereagh, in opening the business to the House, had, unblushingly, proposed a pecuniary compensation to the borough proprietors? Was England to pay a million and a half to indemnify those Irish members who had basely surrendered the constitution and the liberties of their country?

Dr. *Laurence* disapproved of the measure, as unwise, unjust, and impolitic. He particularly reprobated the effects that it would produce in our financial system in the imperial parliament, where one body of men would be taxing both kingdoms, without acting in concert from any community of interests. This had been the great objection against all the proposed plans of parliamentary reform; though the wildest of them never went so far. It had been a uniform principle with the British House of Commons, that they would submit to no burthens but such as they imposed upon themselves; but the present measure, in that and many other respects, must radically vitiate the frame and character of the British parliament; and, if passed into a law, could operate only by violence, injustice, and oppression.

Mr. *Sheridan* said, that it appeared now to be fairly understood, that the chancellor of the exchequer had brought the question to this issue, that the measure of the union should be persisted in, because it was courted and sanctioned by the general and independent assent of the Irish people; and that, as this point was ascertained or disproved, the measure should be persevered in or abandoned. But where was the proof that the union had that independent assent of the Irish nation? A number of addresses and declarations were mentioned as a proof: but where were these addresses? The addresses against it were easy to be found. If the measure was thus to be carried, he had no hesitation in saying, that it was an act of tyranny and oppression, and must become the fatal source of new discontents and future rebellions; and the only standard round which the pride, the passions, and the prejudices of Irishmen would rally, was that which would lead them to the recovery of a constitution that was thus foully and oppressively wrested from them. No attempt had been made to deny the fact, that 65 seats had been vacated to make place for men whose obsequiousness would not permit them to oppose the measure; and it was equally notorious, that no art or influence which the policy of corruption and intimidation could put in play was left untried to gain over partizans to the union. The fate of sir John Parnell was no unimpressive warning to those who might be tempted to follow his example. For three centuries Ireland had suffered every thing from the injustice and oppression of England, and had enjoyed but eighteen years of justice and forbearance. This was the second attempt that had been made to wrest her independence from her; but he trusted the House would not sanction the present attempt, unless it plainly appeared that the measure was called for by the uncontrolled will and wishes of the Irish people.

Mr. Secretary *Dundas* said, that if gentlemen supposed the parliament of Ireland incompetent to give security to the rights of the Irish, how was it consistent in them to oppose a union, which was to give to Ireland the benefit of impartial representation? One consequence of union was the suppression of the heritable jurisdictions in Scotland; but would that salutary event have taken place in its own parliament? Much good would also, in a similar way, be the result to Ireland of a union with Great Britain. The lords of Ireland, and many of the commoners, all of them men of great property and of real consequence in their own country, had agreed to a union, which, though it would not disturb the rights of property, would of necessity deprive those persons of much personal authority. Yet they were willing to sacrifice the interests growing out of those circumstances.

Mr. *Tierney* observed, that speaking in the abstract of union, he had no objection to it, if it could be proved that it was the choice of the people of Ireland. But he had not the smallest doubt that the sense of the people of Ireland was against a union. As to the idle talk of sacrifices, what mighty sacrifice was it for 28 peers to quit Dublin to get that which was the object of their whole political life—an English peerage? It was in this spirit that the lord chancellor had secured a re-

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treat, with an English peerage, when last in this country. But it was alleged, that the sense of the House of Commons of Ireland was in favour of union. Now, what was the fact? Why, that last year there were but 105 against the project of union, whereas the minority amounted this year to 120. Was it a proof of added conviction as to the policy and justice of a union, that after the machinations of the Castle, after intrigue, corruption, and terror, there were still 120 Irish gentlemen who had the courage to resist a minister armed with the efficient force of the country, and not slow to use it. The means by which the boasted majority was acquired next came to be considered. One of their manœuvres was, to make a truce with the warring consciences of certain placemen, who were told, "Never mind; go out: bring in some friends to union; you may yourselves hold your places." If ministers meant to have the merit of carrying the union by a show of constitutional respect for the liberties of Ireland, why not dissolve the parliament? With the military force in its interest, government could have nothing to fear from opposition. But it had to fear the resistance of the people to a measure which they utterly abhorred. If union should be put to the people of Ireland in a practicable shape, he would suspend his opinion; but he must oppose it, if pressed on them by force, by fraud, and by corruption.

Lord *Carysfort* considered the measure wise, politic, and advantageous to the two countries. There was a great balance of the whole property of the nation in favour of it. The property of the lords who voted for the union was as ten to one more than that of those who voted against it. There were 138 members for the union in the Commons, including the tellers and the Speaker. Having applied these general facts to particular cases, his lordship concluded by stating that the judging portion of the people of Ireland were in favour of a union.

Mr. *Grey*—If it be true that the judging part of the Irish are friendly to the union, dissolve the parliament.

Mr. *Pitt*—They said last year, when the parliament was against the union, "reject it:" they tell us this night, when we know the parliament have voted the union, "appeal to the people." I never can consent to such doctrine. There may be occasions, but they will ever be few; when an appeal to the people is the just mode of proceeding on important subjects. The present is not a fit moment to appeal to the people of Ireland; when, if we did so, the whole economy of our legislative system, the customary proceedings in cases which involve the rights and liberties of the people, the jurisprudence of the country, would be thrown into confusion, and all this at a moment when we are about to effect that which the parliament of Great Britain has declared essential to the peace of Ireland and to the safety of the empire. The ground that hon. gentlemen take to press this appeal is not less remarkable. They do it because they would know what is the opinion of the people of Ireland, which they assume beforehand is against the union. If they believe this, let them give us the proof, for theirs is the assertion. But, Sir, I adhere to the opinion of the parliament of Ireland, and will not therefore consent to a convocation of primary assemblies, and of bodies of men to vote addresses founded on French principles, arrayed as they would be against legislative authority and constitutional freedom. However, did we even resort to the people, who would take the expression of their opinion, given amidst tumult, in the fury of passion? Who would assume that opinion as fitting to be adopted for the rule of conduct in a great political undertaking? On the subject of any appeal in the present instance, it would be well if gentlemen recollected what was very properly, and, as far as it affected to go, conclusively stated by the noble lord who spoke last. It cannot be unknown that the House never has adopted the determination of adverse parties immediately, but has acted on an opinion subsequently formed according to the change of time and circumstances. I know many who have entertained peculiar opinions on the affairs both of Ireland and England, especially during the present war, who have seen those opinions exploded by events; insomuch that certain gentlemen, under the conviction of the entire approbation of the people of the measures of his majesty's government, have retired from this House, have chosen to neglect their duty to their constituents, to desert the post of honour, or of danger because those measures are approved of by the people. Such, then, is the fallacy of the general opinions of those honourable persons who, added to the weight of

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their own very grave authority, ask us this night to resort to public meetings, there to collect the sentiments of a mixed populace. Could the appeal be made, what pledge do the gentlemen give that the meeting shall be orderly, decent, and temperate? Those gentlemen have a ruling passion, which seems on all great occasions to incline them to unfurl the banners of popularity to the mob; but leaders have not less frequently paid the forfeit than followers. The hon. member (Mr. Grey) has quoted a great master of human nature, to illustrate his opinion of a popular election. That poet, as if he had foreseen the period—as if the political intrigues of common halls had been familiar to him—has well pourtrayed the character of such a scene. The returns of members by common halls, and the subsequent return by scrutiny, have shown how practised are certain politicians in the art of swelling the number of a popular meeting. Yet such seems to be the necessary consequence of popular appeals. When I consider how defective must be any opinion that is the result of an appeal to a people wholly influenced by a few factious demagogues, I must tell the hon. gentleman I could not adopt the opinion of the people of Ireland collected at primary assemblies. But the people of Ireland approve of the union; they have in effect concurred in it; and it becomes the wisdom of parliament to consolidate the interests of the two countries, by agreeing to a measure of which the certain operation will be to promote and perpetuate the prosperity, the power, the resources, and the independence of the empire.

The committee divided on Mr. Grey's motion: Yeas, 30; Noes, 236.

List of the Minority.

Adair, R.	Mostyn, sir J.
Burdett, sir F.	Plumer, W.
Bouverie, hon. E.	Pulteney, sir W.
Copley, sir L.	Peachey, colonel
Coke, B.	Russell, lord W.
Courtenay, J.	Richardson, J.
Denison, W. J.	Sheridan, R. B.
Dundas, hon. C.	St. John, hon. St. A.
Dashwood, sir J.	Stanley, lord
Fitzpatrick, general	Shuckburgh, sir G.
Harrison, J.	Shum, G.
Jolliffe, W.	Tierney, G.
Jones, T. T.	Tufton, hon. H.
Kemp, T.	Walpole, hon. G.
Laurence, Dr.	TELLER.
Leicester, sir J.	Grey, C.

The three first resolutions were then agreed to; after which the House resumed, and the chairman reported progress.

April 22. The House went again into a committee to consider further of his Majesty's Message respecting a Union between Great Britain and Ireland. The consideration of the 4th, 5th, and 6th Resolutions was postponed. On the 7th Resolution being read,

Dr. *Laurence* said, that it was of the utmost consequence that the system which should be adopted should not operate unequally, and he had great fears that the one proposed would be very detrimental to Ireland. The standards which had been assumed were by no means just criteria of the respective wealth of the two countries. The amount of exports and imports only showed their mercantile wealth, and nothing could be inferred from their consumption of exciseable articles, as, after paying all other taxes, Great Britain paid a tenth upon income, and was thus much abler to contribute, than from the amount of her consumption one would be led to believe.

Mr. *Pitt* admitted the impossibility of finding any one certain criterion of the wealth of the two countries. The utmost that could be done was, to adopt the most reasonable one that could be found; and it was a great confirmation of his opinion, that he had done so, since the learned gentleman, with all his ingenuity, had not been able to offer a better. The exports and imports proved the best criterion of mercantile wealth, and, as an aid of that criterion, the home consumption was added. The demand must be in proportion to the population and wealth.

Dr. *Laurence* said, it was the first time in the history of any legislative body, that it was proposed that taxes should be imposed by men who would not feel them: 100 members would tax Great Britain who were perfect strangers, and Ireland would be taxed by 558 with whom she was in no way connected. He then read a motion which he might afterwards make; viz.—that after the words "twenty years," there should be inserted "and the contributions to be paid by each nation shall be imposed by its own representatives."

Mr. *Pitt* said, he was surprised to hear such a dreadful remedy proposed for such a trifling inconvenience. What possibility was there of Ireland being oppres-

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sed since the amount of what she should pay was already fixed?

The *Solicitor General* [Sir William Grant] said, it was difficult to imagine that the British parliament would conspire to lay taxes upon Ireland for the purpose of easing themselves. For, if they were thus to affect the trade of Ireland by selecting any particular object of taxation, each member would deeply affect himself; whereas, for 2*l.* he would lay upon Ireland, he must impose 15*l.* on Great Britain. This must surely operate as a sufficient check to the suggestions of particular interests. It was true, that in these respects the two countries were for a time to remain separate and distinct, but these distinct interests and regulations were to cease as soon as a due proportion could be made between the relative means of the two countries. That mean time, the particular interests of both countries would be religiously respected, there was ample security in the general justice of parliament, and the particular attention of members to the local interests of every part of the kingdom. It was absurd to propose, that when Irish taxes were to be voted, none but Irish members should attend, and that when Great Britain was to be taxed, the Irish members should be excluded from the deliberation; as necessary would it be to have an English and an Irish Speaker to regulate the proceedings of the House.

Mr. *Bankes* said, he would not have risen to oppose the resolution, but from a conviction that the measure was impolitic. In objecting to it, he was, in truth, influenced by those reasons which induced him originally to oppose the great measure itself. The effect of such a union as was proposed, would be to disturb the settled system of the commerce and revenue of Ireland, without benefiting either kingdom in any marked degree. This could not be sound policy. It could not be politic to enter on relations with the sister kingdom, which would make her particular situation, as to revenue, trade, and commerce, little else than that of a foreign country during peace. The same advantages, the same commercial immunities and distinctions, might be given to Ireland by a treaty of amity and commerce, as were held out by the present measure. Until the relations of the two countries as to commerce could be materially improved, he must therefore oppose the measure. In his mind, it was equally objectionable on another ground. The Catholics would not be satisfied with such a compact, and thus that body and the Protestants would be as liable as ever to continue in a reciprocal state of jealousy and rancour.

Lord *Hawkesbury* said, that no doubt the resolutions could not at once and suddenly be carried into effect: the change would be gradual, though it should likewise be as expeditious as circumstances would admit, without producing, with regard to the articles of trade and commerce, any dangerous convulsion among any great body of men. As to the divisions that subsisted between the Protestants and Catholics, he was perfectly satisfied that a union between the two countries, or a stricter connexion with Great Britain, were the only means that could soothe these animosities.

The Resolution was then agreed to.

April 25. Mr. Pitt having moved the order of the day for the House to resolve into a committee of the whole House, to consider farther of his majesty's Message respecting the Union between Great Britain and Ireland,

Mr. *Grey* rose and said:—Sir; it is not my intention to oppose your leaving the chair. I rise for the purpose of making the motion of which I gave notice. The object of that motion is, that it be made an instruction to the committee to consider of the most effectual means for securing the independence of parliament. Although this motion arises immediately out of that part of the papers that have been referred to the committee which regards the share of representation to be given to the Irish people in the event of a Union, I shall take the liberty of shortly stating those general arguments which have been urged on the subject of parliamentary reform, before I proceed to the particular proposition to which the attention of the House is to be directed. In doing this, it is not my design to make any separate and distinct motion for any plan of reform which has at any time been projected; my intention is rather to show the necessity of entering upon the discussion of the partial question, by a review of the general principles which are connected with the great point of parliamentary representation. Had the season been favourable for such an inquiry; had men's minds been in a temper to accompany me

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in a consideration of that subject, I should willingly have revived at large that discussion which more than once I have had the honour to move in this House. For the present, however, I am disposed to wave the question in the shape to which I allude. I shall only slightly touch upon the leading topics which have been urged on former occasions. Besides this, I have an additional personal motive to restate with precision the grounds upon which I have supported and proposed a reform in the parliamentary representation. I wish to guard against the insinuation so often thrown out against those who are favourable to a reform, that they are inclined to be swayed too much by theories of government and systems of speculative perfection. These are far from the principles which I have ever followed or approved. I never proposed any scheme of reform to this House upon the mere recommendation of specious and beautiful theory. The only reason why I ever urged the House to adopt a parliamentary reform was, because it appeared to me a necessary remedy for an actual existing grievance. No man can subscribe more cordially than I do to the maxim, that in government practical good is infinitely preferable to speculative perfection. I know that it is incumbent upon every wise legislative assembly to be guided by the dictates of this fundamental rule. Without it, government would be destitute of all steadiness of operation and uniformity of design. Instead of following maxims sanctioned by experience, the course of government would be continually exposed to the dangers arising from the ebullition of temporary passions, to the shocks of incessant experiment, and the projects of visionary speculation. Government would be a fluctuating and uncertain establishment, balanced by no stock of embodied wisdom, directed by no certain landmarks, obedient to no steady principle of action. To government so abandoned by all experience, and resigned to every conflict of passion, and every caprice of theory, would apply the words of the poet, in his description of winter:

"A leafless branch her sceptre, and her throne
An icy car, indebted to no wheels,
But urg'd by storms along its slipp'ry way."

But though I am ready to acknowledge the justness of the maxim, I am not afraid to assert, on the other hand, that as a maxim of policy it may be carried to an extreme. It would doubtless be carried beyond the bounds of discriminating wisdom, if a dislike to innovation were to lead us to reject all temperate and proper precaution, in a case where we observed an evident tendency to evil. Some, for instance, push their aversion to all reform so far that they would oppose any proposal to change the composition of the representative body, though the county of Middlesex alone were to choose all the members of parliament that were to legislate for England. Surely this is not an application of the maxim, that we ought to be careful of indulging innovation, which wise men would be required to sanction in their attention to the practical necessities of human affairs. When we are told that we ought to respect ancient establishments, it is right that we should ascertain whether this plea to favour is urged with justice. It is no uncommon thing for men to stigmatize as innovation, what is in truth no innovation. They confound, and particularly upon this question of reform, what is new to the principle of our parliamentary representation, with what is most ancient and approved. The principle of representation in the British constitution supposes, to a certain degree at least, the influence of population on the choice of the representatives. Its object is to obtain such a composition of the representative body as will qualify the members of it to be the organ and to speak the sense of the people. *Ex vi termini*, then, the representation of the British constitution is one that supposes population to be a principal basis of representation. Representation, indeed, in any other sense of it, would be an anomaly of the most monstrous kind, and wholly incongruous to the spirit of our constitution. Of this kind, however, it is certain that abuses have crept into our parliamentary representation. We know that in the lapse of time the practice has deviated from the reason of the thing and the spirit of the constitution. We know that there are representatives without constituents, that there are places represented which include no population. This is an abuse quite out of the principle of our representation. To remedy imperfections not inherent in the parliamentary constitution, but arising out of the change of local circumstances, is not to introduce innovation, but to reverence ancient institutions. In such a case, it is the dictate of sober and prudent policy, it is the course of true constitutional duty, to recur to principle, and to

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bring back our practice to the purity in which it was founded.

It is a matter of undoubted history, it is true, that the precise extent of our representation, either as to the number of the representatives, or the description of the elective body, was not uniformly fixed till the Revolution. There was something unsettled in the representative, as well as in the constituent body: a good deal was left, and certainly more than ought to have been left, to the discretion of the crown, in fixing those places which should send members to parliament. This much is indisputable, however, that the criterion of population was recognized as the best guide in ascertaining what places should choose representatives. It was the practice to summon those towns which were considered best fitted, from their population, for the exercise of such a right, to send members to parliament. In particular, it is known, that in the summons issued by James I. for calling a parliament, instructions were given not to send writs to decayed boroughs. This demonstrates at least the principle on which the parliament was supposed to be founded; and a recurrence to it in the reform of that part of our representation, which has totally deviated equally from all just principle and ancient practice, would be consistent with the true spirit of our constitution.

This, in fact, is only a brief analysis of the leading argument which the right hon. gentleman opposite (Mr. Pitt) employed in defence of that scheme of reform which he proposed. But there is another argument urged against all reform, which is no less conclusive than that I have already stated. We are referred to the period of the Revolution. We are told to be contented with those securities for our liberties which our ancestors provided. This argument, as to the finality of these arrangements, it may be remarked by the way, is employed all upon one side of the question. It is pleaded as an invincible bar to any improvement proposed in favour of the people, though it is not allowed the smallest authority when it is opposed to an enlargement of power: when the crown is to be invested with any new prerogatives, the ancient landmarks may be removed without a scruple, but they are sacred against the best founded claims of the people. The very subject of the Union itself has very recently shown how little regard is paid to an establishment, however it may formerly have been declared final, if a departure from it is supposed to be recommended by any great policy, and promises to be attended with important advantages. I respect the establishments of the Revolution, at least as much as those who are remarked for their deference to them to serve on occasion. I am sensible how much was done for liberty at the Revolution. I am aware how much it contributed to remedy the evils by which it was rendered necessary, and to fix the principles of our government. Had the constitution, indeed, remained entire and unimpaired as it was then ascertained, I should not have felt it my duty to propose any plan of parliamentary reform. A better system of practical liberty never was enjoyed by any people, than was then established for the happiness and glory of the British nation; perhaps, indeed, a higher degree of liberty is incompatible with that degree of authority which is necessary for the solidity and protection of society. It combined in the highest degree the principle of freedom with the attainment of order and security. What was done at the Revolution in favour of our liberties, may be deemed sufficient for every practical purpose; but surely it would be absurd to say that every part of the system was incapable of improvement. That, however, is not the question at present. The point now is, to inquire, whether, in the course of human affairs, and the changes which time and events have produced, the principle of freedom has preserved those bulwarks and securities with which it was the object of the Revolution to invest it? whether the crown has not gained a degree of influence beyond the regulated portion assigned by the establishments of our ancestors, and which either has been, or threatens to become, injurious to the cause of liberty and to the prosperity of the empire? It is upon this ground that I should wish to discuss the question of parliamentary reform, unconnected with that innovation which the Union will introduce, and to propose some alteration in the system of our representation. The consideration of this question, too, will enable us the better to decide upon the policy and the effect which that alteration involves.

Has, then, the influence of the crown increased since the Revolution? Down to the period of 1782 I believe the fact will not be much disputed. It was upon

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the notoriety of the fact, and the bad consequences it had produced, that the motions of the right hon. gentleman in favour of reform were founded. That it has increased, I think every impartial man must be compelled to admit. Let any man look at the sources of influence which the crown possesses; let him look at the extension of dominion and of patronage in India; let him look at the increase of revenue, at the enlargement of our civil and military establishments; and let him pronounce whether the executive branch of the constitution has acquired any accession of influence and of power? If, then, while the influence of the crown has so manifestly advanced, while the cause of liberty has remained the same, or has sustained a diminution of its strength, can it be said that we are standing upon the establishment of the Revolution, and adhering to the principles which it ascertained? It is, then, upon this ground of experience and the evidence of facts, upon proof of positive inconvenience and real declination from its original purity, that I should propose to recall our constitution to its true principles, and to amend the system of our representation.—Thus, at the conclusion of the American war, the right hon. gentleman strenuously contended for a reform in parliament, as a remedy for those abuses in our administration which the imperfection of our parliamentary representation had contributed to produce. That the crown was thought to have acquired an addition of influence inconsistent with the balance of the constitution, is indeed a point which stands upon the authority of the House itself; this opinion is recorded in the famous resolution, that "the influence of the crown has increased, is increasing, and ought to be diminished." This fact was acknowledged by men both living and dead, the purity of whose motives could not be disputed, by men like sir George Savile, no less distinguished by abilities than integrity. But what was done in consequence of this resolution? Was an efficient remedy applied to the acknowledged evil? I know that some attempts were made to abolish certain places; but the diminution of the influence of the crown by these measures has since been rendered altogether nugatory by the renewal of those places, or it has been far more than compensated by the accession which has been derived from other sources. If some trifling offices have been reduced, others of greater value have been added to the expense of the establishment, and the patronage of the crown. If the influence of the crown, however, had increased from the Revolution to the year 1782, I am warranted in asserting that it has increased in a much greater proportion since 1782, and that the comparative state of the influence of the executive power, as it stands now, infinitely exceeds that which the crown possessed at the period when the resolution of this House declared its alarming increase. The additions to the amount of the public revenue, the increase of our establishments of every kind, have furnished the sources of an influence, which, unless it be checked by a seasonable reform, threatens to overthrow the balance of the constitution, and to absorb all the power of the state.

The right hon. gentleman and others beside him, seem to think that much has been done to moderate the influence of the crown. Where are we to look for the proofs of it? Is it in the enormous accumulation of our debt? Is it in the progressive scale of our expenses? Is it in the number of new places created, in the monstrous increase of naval and military establishments? Is it in the restrictions imposed on popular rights? in the new powers with which the executive magistrate has been vested? Look at the conduct of the House itself. Do we find it there? We have been engaged in a war certainly not altogether exempted from disaster and disgrace; yet, in the course of this bloody and expensive contest, no motion for inquiry into the conduct of the war has ever been granted, unless on the motion of ministers themselves? Not one attempt has been made by the House to check the career of administration, even when its measures have been acknowledged to be contrary to the unequivocal sense of the people. This is, I am aware, a subject of much delicacy. It is no grateful task to arraign the conduct of the House, in the face of the House itself. I hope I am always disposed to treat the House with that respect which is due to it. I shall, therefore, forbear to pursue this subject into all the details of which it is capable, and leave the notoriety of the circumstances that might be mentioned, to produce the natural impression upon gentlemen's minds.—I observed in the countenance of gentlemen opposite expressions of dissent when I said that the

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House had shown a disposition on every occasion implicity to support the measures of ministers, even when the voice of the people was most unequivocal against them. This assertion I believe admits of the most unequivocal proof. It is not necessary to go far for the example. In the course of the debate upon the rejection of the late overtures of peace from the French government, we were told by one of his majesty's ministers, that they had opened the negotiations at Lisle, convinced that no good was to be expected from them, solely because they were compelled to do so by the unequivocal expression of the public voice. Here, then, is a confession that the public voice may be declared elsewhere than in this House: here is an admission, that the House of Commons may express a sense most repugnant to that of the constituent body, and that the voice of the people may influence the executive power by means very different from the organ of their representatives. Here is an instance of that which has justly been considered by Mr. Burke so great an anomaly in our constitution—"an addressing House of Commons, and a petitioning nation." If ministers were induced to enter into negotiation on account of the wishes of the people, was the House of Commons the interpreter of those wishes? No; at the very time when the sentiments of the public are admitted to have been in favour of peace, the votes of the House spoke a language directly the reverse. Every motion for giving the public sentiment the sanction and authority of parliament was rejected. The minister obtained an implicit support in every measure, however repugnant to the sense of the country; and when at last he yielded to its influence, it was not a compliance with the voice of the people, spoken by their legitimate organ, and controlling the measures of administration by their constitutional representatives.

This instance, confessed by ministers themselves, is an anomaly of the worst kind in this constitution. It is a proof, that the authority of this House has been fatally diminished as a security for popular freedom. The opinion of the people, indeed, has still its influence upon the conduct of ministers. It is not the influence, however, that used to be the proud distinction and characteristic privilege of English liberty. It is the influence which the voice of the people has generally possessed in the milder despotisms of Europe. The example is a melancholy proof, that, with a House of Commons that ought to be the organ of their general voice, the people of this country can only influence the measures of their rulers in the same manner with those nations who have no constitutional representation of their general sentiment, and no established guardians of their interests. The right hon. gentleman who himself so strenuously asserted the necessity of reform, has now completely and for ever abandoned the cause. He now finds that he was mistaken, when he denied that the House of Commons, in the present degenerate state of its representation, was competent to its destined functions, and capable of securing the objects of good government. But the House, he says, has stood the fiery trial, to which, in the late confusions by which Europe has been agitated, it has been exposed. That the crown has sustained this trial without injury to its prerogatives, may indeed be granted: but it is not so evident that the lustre of the constitution has been equally unimpaired. But if this government has sustained the shock of revolutionary violence, it has done no more than those of other nations who have borne it with equal success:—the government of Austria remains in undiminished power; the constitution of Spain has passed uninjured through the fiery trial; the mild government of St. Petersburgh has stood the shock; and the merits of the government of Constantinople have been equally demonstrated by its triumph over the assaults of Revolution! In truth, the success of this trial seems no very conclusive proof of the excellence of those governments; nor ought it to be deemed the peculiar glory of the British constitution that it has risen superior to dangers which have been surmounted by those governments which it has been its pride not to resemble at all, either in the principle of its institution, or the exercise of its authority.

We hear a great deal of the new principles of liberty, which have wrought so much destruction. What those principles of liberty are I am at a loss to conjecture. I know of no principles of liberty but the British constitution. That under the pretence of those genuine principles many horrors have been committed, much tyranny has been exercised, is most true. The abuses of those principles of liberty, however, are no impeachment of their

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truth; nor ought it to relax our efforts in the cause of liberty, or diminish our jealousy of the encroachments of power. The cry which has been raised against those abuses has been employed as the surest mean of assailing the cause of genuine liberty. By holding up to detestation the disorders of a pretended freedom, it has been insidiously attempted to diminish the just influence of the sentiment of freedom in the human breast. The cause of liberty has been overwhelmed with obloquy, and the principle itself rendered odious. They who pursue this mode of argument follow the example of those philosophers to whom they ascribe the evils which of late have unhinged society, and disturbed the peace of the world. These writers attacked the abuses of religion; they aimed their satire at those perverted ecclesiastical establishments which aimed at temporal power and the possession of universal dominion. But was it possible for those men who inveighed against the crimes of superstition, or who exposed the temporal ambition of the church, to sully that divine religion on which these abuses had been engrafted? Did they prove, because that sacred principle had been assumed as a pretence by sanguinary bigots or designing priests, that its influence was unfriendly to the happiness of man, and to the interest of the social state? They falsely imputed to it, as necessary consequences, those abuses which were wholly foreign to its nature. Enemies of liberty argue against the principle, from the atrocities which have been committed on pretence of it. Yet the charity, the humility, and those numerous virtues which christianity teaches and inspires, remain undiminished, in spite of the horrors which have been perpetrated by perverted religion; and the principle of liberty continues the delight and the security of the social state, notwithstanding the oppressions which guilt and tyranny may exercise in its abused name.

But I have said enough to show how inconclusive it is to argue from the abuse of liberty against liberty itself. Convinced that freedom is the only sure basis on which the stability of government can be founded, I still feel myself disposed to move a general reform of parliament, as the best means of maintaining the constitution in its purity and vigour. I shall not, however, move any thing to that effect on the present occasion, as I am aware that there is no very general sentiment in the public in favour of such a project, I still think it the only means of saving the country; but I should consider it rather injurious than beneficial to the cause, to press it forward when men's minds are disinclined to the discussion.—It is said, however, that the example of France should deter us from innovation. Certainly; I should be one of the last men in this House to propose or to encourage innovation. Hating innovations, however, I consider it my duty to promote reform. It is by timely reform alone that the danger of great crisis and of violent innovation is prevented. It was because the king and the nobility of France too long resisted reform, that they were at length buried under the ruins of the state. Timely concession would have dissipated the voice of faction, and given new vigour to the state. They refused; and the tottering fabric, unable to support itself, was swept away.

The discussion of this question of reform I have not sought. The occasion has forced it upon our consideration. The article of union which regards representation, necessarily leads us to consider the state of parliament previous to that event, and the effect which it is likely to produce. All I desire then is, that the House would, weigh with attention the consequences with which it promises to be attended. The right hon. gentleman says, that, by introducing 100 members into the House, without any other composition of the House, the alteration upon the whole must be very small. This, however, is a point that admits of great dispute. The alteration may not be less important, because it is only partial in its immediate operation. Government is a very complicated machine, in which the parts are not only balanced, but proportioned. An alteration in any one part may derange the effect of the whole. It is necessary, therefore, to consider the effect which the proposed alteration will occasion. The introduction of 100 Irish members must be attended with a certain change in the composition of the House of Commons; and I am afraid that their weight will be thrown into the increasing scale of the crown. Formerly it was proposed, at different times, to reform the representation in parliament by the addition of 100 new members. The object of Mr. Flood's motion on that subject, since the French revolution broke

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out, was to add 100 members by a more popular election of the householders in the different counties. This plan was opposed, as being too popular in the mode of election. But, upon the discussion of that motion, the right hon. gentleman, though he objected to the particular plan in several respects, professed himself friendly to the general question of reform, and promised, on a fit opportunity, to promote that reform which he now confesses to have abandoned for ever. If, then, the introduction of 100 new members, either upon the plan of Mr. Flood, or that of the right hon. gentleman, was considered so great an alteration in the composition of the House of Commons, surely the introduction of 100 Irish members cannot be indifferent. — The right hon. gentleman seemed to consider the number of members which the Irish people were to have as a matter of no importance. Without considering, indeed, what is the precise number of Irish representatives, it may be said generally of the number of the representative body, that it ought to be analogous to the population of a country, and embrace all ranks and classes in the community. As to that number which may be convenient for a deliberative assembly, I should consider 558 a number as great as would be consistent with order. The human voice even may afford some criterion, as the number ought not to be greater than could be able to hear the discussions. It has rarely happened of late, indeed, that the attendance has been great, or that parties have been very nicely balanced: if, however, the attendance were to be regular, and an additional 100 members were to be introduced, it would be quite impossible for you, Sir, with all that wisdom, dignity and firmness by which you are distinguished, to preserve order amidst the conflict of nicely balanced parties. But, since an addition of members is proposed, I should beg leave to suggest, whether any means could be devised for giving the Irish their proper share in the legislature, without increasing the number beyond what would be consistent with the purposes of deliberation.—I have stated, that there was reason to apprehend that the influence of the crown would be increased by the Irish members. It is proposed that 31 of the principal towns should return a member each to the united parliament, and these to be selected from their population. This, no doubt, is a good criterion; but I believe in most of the towns the right of voting is very limited; so that, from the member being nominated by an individual (perhaps an expectant of the favour of the crown), there is little chance of much independence: two-thirds of them may be considered, from the nature of their election, as likely to be devoted to the measures of the crown. Besides this, there are twenty places under the crown which may be distributed among the remaining 69. A certain proportion, in addition to the twenty, may be fairly believed to be indirectly influenced by expectation of favours to their relations and friends. So that it is evident that a great majority of the Irish members must be considered as a certain accession to the minister's party.

The peerage, besides the acquisition of strength, would be another source of influence. Advantages in hope are known to be little less powerful incentives than those in possession; and Irish peers being allowed to continue members of the House of Commons, the expectation of being raised to the peerage as members of the other House would no doubt have a strong influence on their conduct. The situation of the Irish members in regard to property, too, deserves consideration. In that country property is divided into smaller shares than it is in this country; what would be an adequate provision to enable a man to enjoy all the luxuries of rank in Ireland, would not be sufficient here: men are not in this age much disposed to give up those luxuries to which they have been accustomed. These circumstances, the expense of the journey between the two countries, and other matters of this kind, might render the favours of government desirable to many members from the sister kingdom. These observations will not, I trust, be construed into any disrespect for the members of the Irish parliament; many may be superior to this species of influence: but, in the discussion of a general question of so much importance, we are entitled to augur, from the nature of mankind, what is likely in a number of instances to take place. The Irish members may be exposed to a species of influence less objectionable in its principle though to the purposes of dependence it may not be less dangerous; they may attach themselves to the side of ministers, from a desire to obtain greater advantages

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for their country. That this may be the case, we have an example in the members for Scotland. It certainly is a matter of fact, that the Scots members have generally attached themselves to the party of every minister; and, doubtless, the hope of thus better promoting the interests of their country may have contributed to this effect, as well as more private influence. Upon the whole, therefore, it appears to me evident, that ultimately at least the Irish members will afford a certain accession of force to the party of every administration.

Having thus stated my objections to the number of new members to be introduced into the House, and pointed out the mischiefs which that change is likely to produce; it may perhaps be thought, that I should be prepared to offer some plan, to supersede a project which I disapprove. Although I do not agree that it is necessary for those who disapprove of a specific plan, to propose a substitute, I am ready to state what I consider calculated to remove some part of the inconveniences which we apprehend, The plan I shall throw out for reducing the number of the House is pretty nearly that which the right hon. gentleman proposed for the reform of parliament. I would suggest, then, that 40 of the most decayed boroughs should be struck off; which would lead to a vacancy of 88 members. I should then propose that the ratio on which Ireland at present is to have 100 members should be preserved. Thus the proportion to the remainder 478 would give us 85 members for Ireland. The county elections I should propose to leave as they are, which would give 69 members; so that 16 would remain to be chosen, by a popular election, by the principal towns. This change, no doubt, would be more favourable to popular election; but seeing the tendency of the new members to fall under the influence of the crown, the corrective proposed ought to be considered an additional recommendation to the plan. Such an arrangement would contribute, in some degree to maintain the independence of parliament, now doubly threatened by the preservation of all its existing defects, and the introduction of so great an addition of members who would be subject to the influence of the crown. I move, therefore, "That it be an instruction to the Committee, to take into their consideration the most effectual means of providing for, and securing the Independence of Parliament."

The motion being seconded by Mr. Tierney,

Lord *Hawkesbury* said:—Mr. Speaker; I entirely agree with the hon. gentleman, that this is a practical question; that it would be mischievous and absurd to ground a reform in parliament on any fanciful idea of proportion, or on a disposition to acquiesce in the wild projects of men of speculative minds or heated imaginations; yet though he enforces this proposition in the commencement of his speech, I cannot help thinking that, when he comes to the detail, he falls into the very error which he condemns. The hon. gentleman states, that the tendency of his motion to bring back the constitution to its original principles and practice. Before we can form our opinion upon this part of the subject, we ought, I contend, to have some period fixed to which we can refer for these principles and this practice. I wish to know what is the æra of our history to which the hon. gentleman would direct our attention, that we may judge of the representation of the Commons of England in its pure and unadulterated state. If he will come fairly to that inquiry, he will find that the popular influence in our government, so far from having decreased, has been gradually increasing. The inequality in our representation, of which the hon. gentleman complains, is not of modern date; it has subsisted at all times. If we recur to the early periods of our history, we shall find that there were some places of great extent, of large population, and in a very flourishing condition, which did not return any members at all; and that there were other places proportionably small and inconsiderable, which were allowed to send representatives to this House. It may be true that, in some instances, towns which once were populous, and sent representatives to parliament, may have fallen into decay; and that some villages, to which this privilege was not accorded, may have become great and populous towns. But, are these the only innovations which time and circumstances have made in our constitution? Let the hon. gentleman take into the account what alterations have occurred in the distribution and division of property. We all know that the right of voting at elections for counties is vested in every person possessing a 40s. freehold: that right has under-

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gone no change since it was first establish- but the difference between the value of money then and now is so great, that 40s. a year at that time is equal to 20l. a year at present. Besides, from the increase of population, of commerce, and of wealth of every description, many towns which did not contain 100 electors formerly, contain at present some thousands. I state these things to show, that if the popular influence has lost in some instances, it has gained in a much greater proportion in others. There are, I know, many persons who entertain very erroneous notions as to the origin of this House. Representation was originally no part of our constitution. The Grand Council of the nation consisted solely of tenants in capite from the crown.* When, in consequence of the divisions of property, the lesser barons became too numerous to attend conveniently in person, they were allowed, *out of their own body*, to send representatives; this is the origin of the Commons of England; so that the principle of our representation is property. At a subsequent period of our history, when commerce had in some degree revived, charters were granted by the crown to corporations, and summonses issued to certain towns and boroughs to send members to parliament. This prerogative was principally exercised for the purpose of counteracting the influence of the great lords; but these charters do not appear to have been granted, nor these summonses issued, upon any uniform principle, but solely according to the will of the reigning monarch; and from the commencement of the borough representation to the present day, it does not appear, as far as we have any lights upon the subject, that the representation was more popular in principle at any period than it is at present. Sir, the hon. gentleman has alluded to a proclamation of king James 1st, commanding the sheriffs not to summon members from decayed boroughs. The conduct of king James, in the case alluded to, has, I believe, always been considered to have been unconstitutional: it was the opinion of lord chief justice Coke, and it has been the opinion of every great constitutional authority from his time to the present, that though the crown could give the right of representation, it could not afterwards take it away; that all political rights existed *pro bono publico*; and that, though they might originate from the Crown they were ever after independent rights—and no act of the crown, no act of the parties, no usage even could affect them—nothing short of an act of the whole legislature could abrogate them. This was decided in a memorable instance in the peerage, in which it was maintained, that a peer could not resign his peerage, because it was a right not granted to him for his individual use, but that he held it *pro bono publico*; and that the collective voice of the community acting through the legislature, could alone deprive him of it.

Sir, the hon. gentleman has stated, that it is not fair to condemn principles, such as those which have of late been established in France, because they may have been abused. I perfectly agree that there is no principle in morals or politics which is not capable of abuse; but I cannot think this observation applicable to the principles of the French revolution. I contend, that the principles of that revolution, the rights of man, as conveyed and explained by the leaders to the people in France, and as afterwards acted upon, are fundamentally false. What were those principles? Equality was publicly held out to the lower orders of the people equality in rank and in power: equality even almost unlimited in property. Little indeed, has that person observed of human nature, who does not know that men are unequal in talents, strength, activity, and in short, in every quality of the mind and body. Government is not founded on the equality, but is a regulation of the natural inequalities of man. Artificial inequality has always been considered as the corrective of natural inequality. The object of government and of society, is not to counteract that order of things which Providence has established, and which, do what we will, we cannot avoid; but its object is, to prevent those convulsions which, in a state of nature, could not fail

* See Magna Charta. The twelfth article states, that "no scutage or aid shall be imposed, except by the cmomon council of our kingdom, but for redeeming the king's body, for making his eldest son a knight, and for marrying his eldest daughter." The 14th article states, "that to have a common council of the kingdom to assess an aid or scutage otherwise than in the three before-mentioned cases, we will causc to be summoned the Archbishops, Bishops, Earls, and greater Barons, personally, by our letters; and besides, we will cause to be summoned in general, by our sheriffs and bailiffs, *all those who hold of us in chief*."

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to arise from the diversity of the characters, and the violence of the passions of men; to secure to every one the fruits of his own industry; to maintain all the gradations in life, from the prince to the peasant; to restrain the powerful; to assist the weak; to relieve the distressed; and to afford to each class of the community the greatest degree of happiness which it is capable of enjoying,

With respect to the question of parliamentary reform, we, who have been at all times most averse to it; have always admitted, that if a practical grievance to a considerable extent could really be proved; if it could be shown that this House, virtually representing the people, were not generally in unison with their sentiments and wishes, and that the popular feeling was not impressed upon it; we I say, have always admitted, that if all this could be proved, it would be a proper ground for some parliamentary reform, I likewise agree that there may be cases where the expectancy of an evil may be ground for reform, though the evil itself has not been felt. But such cases should be acted upon with extreme caution, for by an unnecessary change we may frequently create an evil where none exists, and where our only object ought to be to avoid one. The only really safe ground of reform is a practical grievance, which, if it is not now considerable in itself, should appear at least to be progressive. It will not, then, be thought surprising when we consider all the effects of good government; when we feel and observe, that this country has, for so long a period, enjoyed every blessing which any country has ever enjoyed, and which perhaps any one is capable of enjoying, that we should entertain a strong prejudice against any alteration in the frame of our government.

Sir, if I was called upon to state what in my idea constitutes a good government, I should say, that the best evidences of its excellence are, the existence of internal tranquillity, civil liberty, the power of defence against a foreign enemy, and progressive and increasing wealth and prosperity. If I look to the first point, internal tranquillity, and consider with how few interruptions this country has enjoyed this blessing for a century, I see on this ground, no plea for reform. When I look to civil liberty, and observe that no country in the world ever enjoyed it in such a degree, or to such an extent, so pure, so unrestrained, as this country has done from the time of the Revolution; I see here, the strongest argument against parliamentary reform. If I consider the power of resistance and defence against an enemy, which our government possesses; if I review the energy which it has displayed in all wars, but more especially in the course of the present contest, if I reflect upon its great and successful efforts in defending its own territories and liberties, and its exertions for the salvation of Europe, surely I see, on this ground, a strong argument against parliamentary reform. If I look to the last point, to internal prosperity and wealth, I look at our situation in this respect, not only with satisfaction and pride, but with emotions of astonishment and surprise. Sir, no man's expectations however sanguine—no man's hopes, however confident—could make him suppose that possible, which he sees verified by fact in the progressive wealth and prosperity of the country. Here, then, I find likewise the strongest argument against parliamentary reform. If the present constitution, practically considered, secures internal tranquillity, civil liberty, the power of resistance and defence, and the wealth and prosperity of the country; if we have the evidence of experience, that it secures all these objects in a higher degree, and on a more solid foundation, than has ever been done by any other government in any other country, where or what can be the practical ground of argument for introducing any change or reform in the constitution of the country?

The hon. gentleman has asked us, whether the House of Commons, in point of fact, has been found to be in unison with the sentiments and feelings of the people? In answer to this, I will aver, that, with very few exceptions, it will be found that the parliament for the last century has spoken the sentiments of the nation; and that, during no period of the century, has the parliament been so completely in unison with the feelings and sentiments of the country, as during the last eighteen years. Sir, I will not go into any detail of any former period; but I will contend, that all the wars in which we have been engaged have been popular in the commencement; that the American war in the beginning was unequivocally approved of by the nation; and that when the ill success which attended it created a change in the public opinion, that change was communicated to this House. With re-

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spect to the present war, the hon. gentleman has alluded to the speech of a right hon. friend of mine (Mr. Dundas), to prove that the ministers were forced into a negotiation by the unequivocal opinion of the people, against their own opinion, and against the opinion of this House. Sir, I do not recollect what were the expressions of my right hon. friend, but I positively deny the inference which the hon. gentleman would draw from them: I believe it will be admitted by every one, that no war was more popular at its commencement than the present. I agree, that, at a certain period of it, when some changes had taken place in the internal state of France, and when the system of terror was supposed to be overthrown—I agree that at that time different shades of opinion existed among those who had supported the war, respecting the policy which, under those circumstances, it would be most prudent for this country to adopt; but I am confident that a great majority of the country, as well as of this House, placed full and entire confidence in his majesty's ministers. I do not admit that there was, on that occasion, any discordance or disagreement between the people and government, on the subject of the negotiations which were entered upon at Paris and at Lisle: it was impossible, indeed, that ministers should not feel the risk to which the successful termination of those negotiations would have exposed the country, but they were reduced to the necessity of choosing between two evils; and both the government and the country felt, that as the state of Europe at that time would allow them to expect no assistance from any of those powers who had been our allies at the commencement of the contest, and as the war could only be carried on by extraordinary exertions, so that great and unusual sacrifices must be demanded from the people for that purpose, it was wise in the first instance to try the effect of negotiation, by an offer of fair and moderate terms of peace; yet so far were ministers from differing with the people on this occasion, that they anticipated the sense of the people, and I believe in my conscience, that they entered into negotiation as soon as the majority of the country could have wished.

Sir, the hon. gentleman has alluded to the state of the influence of the crown in the American war, and to the resolution voted by the House at that time, "That the influence of the crown had increased, was increasing, and ought to be diminished;" a vote which the hon. gentleman seems to think was not attended with those consequences which ought to have resulted from it. In 1782, however, a bill was introduced into this House, and passed by the legislature, for reducing the influence of the crown; and a spirit of internal reform has prevailed in the government from that time to the present. I hold in my hand a paper, which shows that, in 1778, the number of members in this House possessing places under government, including contractors, amounted to 118: in 1800, the number of members holding places amounts only to 52: so that, within these twenty years, there has been a diminution of the influence of the crown, in this House, arising from places and contracts, of more than one-half.

I come now to the application of this question to the union with Ireland; and I am ready to agree, that I should act inconsistently with the principles I have stated, if I did not confess, that, looking to the subject abstractedly, I regret the necessity of making any change at all in the constitution of this House. As long as the question respected Great Britain alone, no man could be more hostile to any innovation in the constitution of parliament than myself: but the peace and security of Ireland, the integrity and strength of the British empire, make it necessary to have recourse to measures which, on any other ground, I should think highly objectionable. If, then, to incorporate the two countries, it becomes indispensable that some change should take place in the constitution of parliament, it is important to provide that that change should be as small as possible, and should be made on the least objectionable grounds. It is a strong presumption in favour of the resolution now proposed, and the principles on which it is founded, that many great authorities, who had been inimical to every other species of parliamentary reform, have been of opinion that it was advisable to increase the number of county members, or landed representatives; and I have never talked with any person who was the greatest enemy to reform, who did not prefer, of all the plans suggested, that which tended to increase the number of county members, without affecting the present state of the borough representation. Parliamentary reform, is certainly a wide expression; it may signify, when used by some, only a small

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modification in the manner of election; and it may signify, when used by others, a total change or subversion of the present constitutional representation of the kingdom: hence, even those who, generally speaking, profess themselves the friends of reform, have differed as essentially from each other, as any of them differ from those who have been constantly inimical to it. Some of the reformers have proposed *universal suffrage*: some have been desirous of giving the right of suffrage to all householders; a system which, if not equally extensive, is in principle equally dangerous and repugnant to the constitution as that of universal suffrage: I say, that it is equally dangerous and repugnant to the constitution, because both these plans would have the same effect of establishing population as the basis of representation, and not property. With persons who entertain either of these opinions, I have no ideas in common, and to these, therefore, I can have nothing to say; I wish to address myself to those who have been supporters of more moderate plans of reform. What has been the great argument which they have adduced in favour of county and against borough representation? First, they have said, that the representatives of counties must (except from accident) be persons of considerable property and influence in the country, a security which you cannot have for borough representatives; secondly, that though many very opulent, respectable, and independent members may be found amongst the representatives of close boroughs, yet that the situation in which they are placed in this House is very different from persons of the former description. County members, owing their elections to large bodies of men, must feel themselves dependent upon them for the continuation of their seats in this House, and are liable to be influenced, in consequence, by the sentiments, feelings, and opinions of those whom they represent: these are the most weighty arguments used by the moderate reformers in favour of what they have proposed. Those who have opposed all parliamentary reform have always urged, that no practical evil was experienced from the present state of the representation; and that though in theory the inequality of our representation might be considered as an objection, no grievance in fact arose out of it: and a great and celebrated author, Mr. Burke, has observed, that this very inequality might have the effect of making us, what we are, and ought to be, a deliberative council and assembly, and not an assembly of deputies speaking only the sentiments of the districts by which they were elected. —Let us now see what is the plan of representation proposed for Ireland: 64 members out of 100 are to be elected by counties; two by Dublin; two by Cork; one by the university of Dublin; four or five by boroughs where popular elections prevail; the remainder by the principal towns, in many of which, however, the election is confined to a small number of persons. It appears, then, that three-fourths of the representatives from Ireland at least will be elected in such a manner as to meet the ideas of every moderate reformer, by securing the election of persons who are of the greatest property and independence in that kingdom, and who will be chosen by large bodies of men, and consequently subject to popular influence and control: I leave it, therefore, to the House to determine, whether it is not rather to be apprehended that this measure will have the effect of adding to the influence of the people in the constitution, and not to that of the crown. I agree that the influence of the crown ought certainly to be kept within bounds; but I never yet heard any person assert in this House, that, to a certain extent, it was not necessary: the hon. gentleman has stated, that he should have been satisfied with the constitution as it subsisted during the first fifty years of the century; yet, during more than twenty of those years, a ministry were in possession of power, who, whether justly or not I will not pretend to say, have been stigmatized more than any other for having introduced a complete system of corruption, and for having increased the influence of the crown, to the prejudice of the rights and privileges of this House: and yet this government was opposed by the greater part of the Scotch members, who have been represented by the hon. gentleman as the universal supporters of all ministers. It is singular that the administration of sir Robert Walpole, to which I have alluded, is to this day proverbial for influence and corruption; and this is the period to which the hon. gentleman would refer us, as to the golden age of the constitution. It should be considered, however, that the influence of the crown, whether it be more or less, carries always an antidote along with it. If there are those who

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may be supposed to support government from having places, there are others who may be supposed to oppose it from having been refused places. Indeed, Sir, if the history of these transactions were known, I believe it would be found, that the proportion of the latter class to the former would be much greater than is commonly imagined: I state this as one antidote to the influence of the crown; and if, as the hon. gentleman says, possession and expectation tell for something, disappointment surely ought not to be forgotten in the account.

Sir, I repeat, that when we consider the description of persons who will be introduced by the union into this House—when we consider their fortune, their independence, and their subjection to popular control—we cannot suppose that such an addition will, in any degree, affect the popular influence in the constitution. I have already said, that I should prefer that no change whatever were made in the constitution of this House: but we must weigh and compare evils; we must recollect that a great good can rarely be obtained without running some risk; an increase of numbers to this House is certainly an inconvenience, but an increase to a limited extent appears to me to be in itself a less evil than any other change which could be proposed; and such was the opinion of many wise men, even at a time when no necessity of the present nature existed for it. I am sensible that government is a machine of so delicate a structure, that it is impossible either to add or take away the number of 100 members without some apprehensions. But when we consider, that an addition of members of one description necessarily grows out of the measure of union; when we reflect on the manner in which these members are to be chosen, and how impossible it is to form before-hand any decided opinion of the precise effect which their introduction into this House will produce; it is surely more wise, with the experience we have of the conduct of this House, with the knowledge of its character, and the proofs of its wisdom, to leave it, in other respects, constituted as it is, and to take our chance of the inconvenience of an increase of our numbers, rather than make an alteration so complicated as that which the hon. gentleman has proposed. I am not surprised that the zealots for parliamentary reform should take this opportunity to make a motion in its favour; but I think that this very measure of union will be considered, by those who are friends to reform only on moderate principles, as a ground for renouncing or suspending their opinion; and I am perfectly convinced, that every person who entertains the same sentiments with me upon the subject of reform, and who considers the great benefits which the country enjoys under the constitution of parliament as established at present, will feel it desirable that the change which must be made in our constitution on this occasion should be no greater than is indispensably necessary.

The hon. gentleman is fond of talking of the constitution of the country as it stood at the Revolution. Sir, the principles of that glorious event I admire and adore. I admire them not only for the vigour, the firmness, and the spirit which our ancestors displayed in going the length they did, but for the prudence, the wisdom, and the caution they evinced in not going farther. The principles of the Revolution have been brought forward in defence of general resistance: our ancestors, however, were cautious that those measures should not be adduced in justification of any but such an extreme case as that of the Revolution itself. They endeavoured to word the famous resolution by which the Throne was declared to be vacant, in such a manner as to make it no precedent for future ages. They showed in the whole of their conduct on that memorable occasion, that the case before them was that which alone occupied their attention, and that their object was to reform practical grievances, and not to lay a foundation for dangerous speculative improvements. The hon. gentleman says, that he is satisfied with the constitution as it stood at the Revolution. Does he think, I would ask, that the influence of the people was one-tenth part so great then as it is at present? I do not mean to trace the progress of the constitution from distant periods; but we all know that the powers of parliament were, in former times, rather occasional than permanent; and I think it will be allowed, that it is only since the Revolution that this House has become a constantly operative and constituent part of the government. It was the opinion of a very great and wise man who formerly filled the chair which you now fill with so much honour to yourself and advantage to this House and the country, I say it

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was the opinion of Mr. Onslow, whose situation peculiarly enabled him to form a correct and impartial judgment on the subject, that the Septennial act, however objectionable it had been in principle, had tended most materially to increase the power of the House of Commons in the constitution. If the power of the House of Commons has increased, the influence of the people over the House of Commons has not increased in a less proportion; this influence has increased from many causes, which are accidental; from the general diffusion of wealth and knowledge, and from the facility of communication between the most distant parts of the country: but it has increased very peculiarly of late years, from causes to which, on any other occasion, I could not very regularly allude, from the doors of this House being open to the people, and from the constant publication of your debates. These last circumstances have had the effect of making the people parties, as it were, to all the measures of parliament, even before they are decided, in a degree and to an extent which many wise men have thought objectionable.

If the hon. gentleman will reflect on these things; if he will sum up the total; he will find that the influence of the people upon this House, and upon all the branches of government, and the influence of the House upon the crown, is much more considerable than it was at any former period. This increase of popular power I am far from regretting. I feel the privileges of this House to be the best security of the liberties of the people. I know them to have been a principle cause of our glory and prosperity, and the great source of that energy and strength which have enabled us to support the present arduous contest. Under the existing constitution of the House of Commons, we have experienced, during the last eighteen years, the greatest increase of prosperity and power: look at the ten years of peace that preceded the present war; you will find a period of tranquillity prosperity, and commercial improvement, totally unexampled in the history of any other country: look to the last eight years, you will see what gigantic exertions the country has been able to make; what energy, what vigour it has displayed; how, by means of its internal strength and resources, it has risen in spite of all the attempts of its enemies; and how it will yet save the world, if the world will be saved. We have seen these things; and can we then refrain from cherishing the constitution, and from feeling a repugnance to any change which circumstances do not render unavoidable?

I agreed very much with what was stated by the hon. gentleman on a former night, that the evils resulting from factions and party spirit were the necessary consequence of a free government, and that we could not expect to enjoy the blessings without at the same time partaking of the inconveniences of such a system. No good in this world is pure and unmixed. Factions are the evils of free governments; but experience has proved to us, that with a people of the reflecting character and the sober sense of the people of England, the evils are inconsiderable in proportion to the benefits. There may, however, be countries differently circumstanced, where the disadvantages may more than counterbalance the advantages, and may even make the enjoyment of those advantages, or of any other good, impracticable: for we must not give into the principles of the new philosophy, which, as they assume that all men are equal, seem also to assume that all nations are the same. Ireland appears to be in a situation somewhat of this kind; the religious feuds that have subsisted there for so many years, the state of the public mind in that country, the jealousies on the subject of property, the recollection of the past, and the apprehensions for the future, make it impossible for Ireland to bear the collision of contending factions, without ruin to her peace, and ultimate destruction to her government. Let this union take place — all Irish party will be extinguished; there will then be no parties, but the parties of the British empire. The strength of Great Britain, the constitution of her parliament, will, I am persuaded, enable her to keep all such parties in subjection, and to secure to every member of the empire the possession of its religion, its property, and its laws. Such a union will give integrity and harmony to our whole system, and will make Ireland, in any future contest, a source of incalculable energy, strength, and support to this kingdom.

Sir *W. Young* said, that the hon. mover had observed, that the close boroughs should be withdrawn, for the purpose of making room for the members of the new parliament. Now these, so far from

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being withdrawn, should remain, as being essentially of the constitution—as growing out of and forming the original plan of its independence. The 40*s.* freeholder, little as he might appear now, was formerly with that freehold a little gentleman; and by means of those freeholds the constitution grew up and had preserved its independence under all the mutations of property. In destroying those boroughs, the freedom of the country might be destroyed, and the balance of power thrown from the landed into the commercial concerns of the country. When this question of parliamentary reform was discussed fifteen years ago, the then attorney-general had asked, whether there was any man who could stand up and oppose the introduction of county members in the place of the members for what were denominated rotten boroughs? Sir William said, he had then stood up and opposed that which he well knew carried with it an immense evil.* With respect to the present motion he could not directly negative it; but he would move on it the previous question, because he thought a motion cautioning parliament in its proceedings to be on its guard against an abuse of its power, was derogatory to the feelings of the House, and such as collaterally involved in it the question of parliamentary reform.

Mr. *Pitt* said, that on the grounds on which the hon. baronet had made his motion, he, for one, would support it, as he thought that such an instruction, to guard the independence of parliament, was but a sorry compliment, to say the least of it, to the attention of that parliament to one of its first duties. As to the principal argument on the subject of the hon. gentleman's motion, after the complete refutation which had been given to it by his noble friend, he thought it altogether unnecessary to suggest one single idea in addition.

Dr. *Laurence* said, he had always been a uniform enemy to a reform in parliament. He remembered, however, Mr. Pitt's plan for the addition of 100 county members. He thought the alteration of sentiment which the right hon. gentleman had avowed on a former night, as to a parliamentary reform, reflected the highest honor on him, and showed that he scorned to suffer any idle vanity, or the prejudice of early formed opinion, to have the smallest weight in opposition to the welfare of his country. On these grounds, he could not but look with a jealous eye to the admission of 100 members from Ireland. What was this to be called? Was it the admission of 100 county members of England? No. Was it the admission of 100 county members of Ireland? No. It was the admission of 100 members, one-third of whom were to be chosen for boroughs and other places, by no means so likely to be independent as county members were. He objected to 20 persons being allowed to sit in the united parliament, who held places under the Irish government. It was not a fair proportion, being a fifth of 100, and in the English parliament the number of placemen did not amount to an eleventh part. Every one who voted for 100 county members in England, ought to vote against 100 members to be so chosen as the Irish members were. When a new parliament was about to be formed, there was the strongest reason for guarding against influence. The basis of population and contribution were such as had never been heard of till this moment: Cromwell had, indeed, in one or two instances, acted upon contribution; but, certainly, landed, property was the real basis of the British constitution. He would vote for the motion, because it tended to convey that caution which was so essentially necessary.

Mr. *Wilberforce* said, that by the important change of adding 100 members to that House, there could not fail to be a very considerable addition to the influence of the crown. From the great increase of our national debt, our commerce, our army and navy, and various other causes, this influence was far greater than ever. He could not, therefore, but be of opinion, that the admission of 100 Irish members would greatly add to that influence; which induced him to support the motion for an instruction to the committee. While he stated this, he must declare that he never felt his mind more tremulously uncertain than on the present occasion. In the early part of his life he had zealously supported the cause of a reform in parliament, and particularly the plan of his right hon. friend. Much undoubtedly had passed in the course of sixteen years, to justify his right hon. friend for any change which may have taken place in his opinion on that head. An alteration, however, it

* See Vol. 25, p. 472.

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seemed must be made. Was it not possible that modifications might be made in it? He thought there might. He thought it might be done by lessening the machinery of government—by lessening the number of places held under government. These places must certainly have had less influence in a body of 300, than they would in 20, which formed a fifth of the whole number of members to be returned to the united parliament from Ireland. He thought also, that there would be a great difference between their voting in Dublin and in London: from the great distance, the expenses of travelling, and the difference in the price of all the necessaries of life in this country and in Ireland, he feared we should not have the same number of independent characters returned for counties to the united parliament, as we had been used to have in the Irish House of Commons.

Mr. *I. H. Browne* said, he would vote against the previous question, merely to give a direct negative to the motion made by the hon. gentleman; which was wholly unnecessary, as he did not believe there ever was a parliament more independent than this, or more attentive to the duties entrusted to it. He maintained, that though the influence of the crown had increased, yet that of the people had increased in a still greater proportion. He approved of the principles of the union, and thought it would give solidity and security to the empire.

Mr. *Grey* wished to set an hon. gentleman right, who had said, that his object in this motion was parliamentary reform. His motion had no such object. He wished that it had, as every day's experience proved that parliamentary reform had become absolutely necessary, and that it alone would save the constitution and the country from perishing. The motion only went to keep the parliament in its present state: indeed, it scarcely went so far, as he was much afraid that, even if it was carried, the influence of the crown would be greatly increased by the union. Since he had failed in all his attempts to make parliament better, he wished to prevent it from becoming worse.

The previous question being put, That that question be now put; it was resolved in the affirmative. Then the main question being put; the House divided:

Tellers.

Yeas { Mr. Tierney - - - } 34
{ Mr. Hobhouse - - - }

Noes { The lord Hawkesbury } 176
{ Mr. Sargent - - - }

So it passed in the negative. The House having resolved itself into the Committee, and the fourth Resolution being read,

Mr. *Pitt* said, that what he had now to call the attention of the committee to, related to a supposed influence of the crown, by the introduction of a number of persons holding offices under the crown. His object at present was, to limit the number of such persons a little more precisely than was provided in this resolution; for which purpose he should propose, that after the words "if not sooner dissolved," be inserted this clause; "Provided always, that, until an act shall have passed in the parliament of the United Kingdom, declaring in what cases persons holding offices or places of profit under the crown in Ireland, shall be capable of being members of the House of Commons of the parliament of the United Kingdom, no greater number of members than 20 holding such offices or places as aforesaid, shall be capable of sitting in the said House of Commons of the parliament of the United Kingdom, and if any greater number of members than 20, holding such offices or places as aforesaid, shall be returned to serve in the House of Commons of the united parliament, then, and in such case, the seats of such of those members as shall have last accepted such offices or places shall be vacated, so as to reduce the number of members holding such offices or places to the number of 20, and no person holding any such office or place shall be capable of being elected, or of sitting, while there are 20 persons holding such offices or places sitting in the said united parliament."

Mr. *Grey* opposed the clause. By it one-fifth of the whole 100 might hold places. According to a noble lord's statement there were only 52 placemen in the British House of Commons, which did not constitute one tenth part of the whole. What reason was there for this inequality? Was it not unfair and unjust? He would therefore move, "That instead of 20 the number of 10 be inserted."

Mr. *Pitt* said, it might not be improper for him to show how little industry had been used to increase the influence of the crown, as had been stated. There were many offices tenable by members of the British House of Commons which were not actually held. As to the question before the committee, it was one in which

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a critical proportion or exact limitation was not to be expected, if indeed it could be desired. He had stated formerly two considerations upon this point; one was, that we could not exactly foresee how many persons holding offices should be elected members of parliament for Ireland under the Union; the other was, to guard against any jealousy that might by possibility be entertained upon that subject. It was to do this, that he proposed this clause; but it had no reference to a permanent regulation; it might be altered by the united parliament, to which he thought it would be wise to allow a certain share of discretion. This clause did not state how many members should hold places; but a given point beyond which the practice should not be carried. What was the ground of the alteration proposed? Nothing more than that by possibility the number of Irish members holding places might exceed the ratio of those who now hold places under the crown and seats in the British House of Commons. This was a nicety of proportion which the subject did not call for; and this would appear more clearly, when it was considered that the British House of Commons had by no means the whole number of placemen it might legally have; nor did he think it suitable to the candour, liberality, or dignity of the House to be too scrupulous in this particular, for it might possibly have the effect of making a person who had been advanced for a virtuous exertion of his talents, and who might be returned to sit in the united parliament, believe he ought either to resign his office, which was the reward of his virtue, or vacate his seat, which was the pledge of his patriotism. The hon. gentleman had stated, that 116 members who held offices under government had voted for the union: upon this subject he had thought fit to make inquiry; and he could inform the House, that the hon. gentleman had precisely doubled the number: the number altogether was 60; of which two voted against the union.

Mr. *Bankes* said, that notwithstanding this disposition of the crown, he feared much for the independence of parliament from the admission of so many Irish members. He did not know the amount of places tenable in Ireland; but he was confident the number was such as to leave the due proportion of placemen under 20, and therefore he could see no objection to the proposition for reducing them. An hundred members in the commons of the united parliament were more than Ireland was fairly entitled to; and as he thought the influence of the crown would be alarmingly increased by such an addition, he conceived it a reason for restraining them to a fair proportion. The union with Scotland was stated as the great example, not only with regard to the principle, but the mode of carrying it into effect. To be consistent, the comparison should have been made with Scotland, and not with Great Britain. Now, Ireland and Scotland were nearly equal in superficial extent. The population of Ireland, indeed, was greater, but not in the proportion of 100 to 45. With respect to the peerage of Ireland, he admitted it to be extensive; but still it had no right to be made double that of the Scotch peerage in the united parliament, as proposed to be done. Now, of the 32 peers thus intended to be introduced from Ireland, four were bishops, to be elected by rotation of sessions. What possible advantage was to be derived from the four itinerant bishops, was a question which he was unable to resolve. Why the representation of the Irish peerage should be double that of Scotland, and the number of her commoners in the proportion of 100 to 45, he was at a loss to discover.

Mr. *Windham* said, that the subject resolved itself into two questions; 1, What should be done finally? and, 2, what should be done in the first instance? Now every body would see the propriety of reserving the first point for the consideration of the united parliament; and indeed, it was impossible to follow any other course, as there was not the necessary information, for an immediate decision. The second question it would be better to leave unsettled. If, indeed, from the description of persons who would probably constitute the 100 new members from Ireland, there was a chance of such a number of placemen as might influence the number to be finally settled, it might be necessary to use some precaution; but when it was known that the number would be too small to excite such apprehension, he thought it was due to delicacy to reject all guard whatever. It was merely to meet the present situation, that the proportion was struck, and on this ground it had his approbation. The population of Ireland was double that of Scotland, and therefore the proportion of the members in the present instance was right;

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but, further the contribution of Ireland was more than double; and as these two points combined formed the basis of the proportion, it would be found to come as near the truth as possible.

Mr. *Harrison* expressed his fears that when these 20 Irish members came over, with their places on their backs, some of the remainder of the 100 might procure a share of those latent offices which were said that night to be compatible with a seat in that House. Now, whether these 100 were to be limited to 20 placemen among them, or whether that number might not be increased to any extent by the grant of places here were questions which he wished to have decided. In the latter event, he thought this body of 100 members would be the channel through which would flow the destruction of the country and the constitution.

Mr. *Pitt* said, that it could not be supposed but that when 100 members came from Ireland, they would, like every other member of the united parliament, be eligible to any office which could be held by any member. It was of the essence of parliamentary representation, that all its members should be equally capable of being nominated to any office by the crown which a member of parliament may hold. As to the subject of close boroughs, he never considered them, either in theory or practice, a real grievance in this country; still less did he think so of the state of parliamentary representation in Ireland; the selection, however, upon that subject, rested with the parliament of Ireland. He considered the nature of the place to be represented as a point of more importance than the mode of election: for he hoped it was not to be understood that the members of a close borough were indifferent to the local interest of their constituents; any more than they are careless of the general interest of their country; there were abundant instances of the representatives of such boroughs being careful of both, and of showing themselves as careful of the particular interest of the place they represented, as the members who were returned for any of those boroughs which were vulgarly called potwalloping boroughs, and which, under all the openness of their election, were often more liable to rational objection than the close boroughs. With regard to Ireland, of those boroughs which were to be retained there were not above four or five that were close. On the subject of bishops from Ireland, whom his hon. friend had jocularly called "itinerant bishops" he begged leave to translate the word "itinerant" into "travelling," and then it would follow, that an Irish bishop coming to London, was no more an itinerant bishop than the bishop of Durham was an itinerant bishop; and as to the rotation, it appeared to him to be most favourable to the local purposes for which it was intended.

Mr. *Buxton* was not apprehensive that the measure would augment the influence of the crown; he was rather inclined to think it would throw an additional weight into the democratic part of the constitution.

General *Walpole* said, it had been stated by lord Castlereagh, that it was in contemplation to make a pecuniary compensation to those who might be supposed to sustain any loss by the disfranchisement of the boroughs in Ireland. He wished to know from what fund that compensation was to be paid.

Mr. *Pitt* said, there was no intention to bring forward any such proposition.

Dr. *Laurence* said, that as the population of Great Britain was estimated at ten millions, and that of Ireland only at three, Ireland ought not to be allowed to send so many members as 100, while Great Britain sent only 558. He particularly objected to that part of the article which allowed Irish peers to sit in the House of Commons and stated the bad effects which this permission would produce.

Mr. *Hobhouse* said, that lord Castlereagh in his prefatory speech to the articles had stated, that those English commoners who had accepted Irish titles, were to continue to sit as commoners upon waving their privileges as peers of Ireland; but the article itself allowed every person holding an Irish peerage, now subsisting, or hereafter to be created, to serve for any county or borough in Great Britain, but not in Ireland. Thus an Irish peer, or a native of that country, having large estates and many connexions, might be elected to serve for Great Britain, of which he could have but little or no knowledge; and not for Ireland, with whose interest he must necessarily be well acquainted. Thus an immense number of Irish peers would neglect their own country, and spend all their time in Britain, endeavouring to cultivate a parliamentary interest, and to find a way into the imperial House of Commons. As no

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other road to such distinction was open to them, this would be the inevitable consequence; and thus would the list of absentees be considerably increased.

Mr. Grey's amendment was negatived. After which the fourth resolution was agreed to.

April 28. A considerable number of petitions were presented by Mr. Wilberforce, Mr. Lascelles, and other members, against the resolution which went to permit the exportation of British wool. The petitions were referred to the committee on the king's Message respecting an union with Ireland. The House having resolved itself into the said committee, Mr. Law was heard at the bar in behalf of the petitioners, and a number of witnesses were examined.

April 29. Further witnesses were examined; after which Mr. Plumer summed up the evidence in behalf of the petitioners.

April 30. The House went again into the Committee, when the fifth and eighth Resolutions were proposed by Mr. Pitt, and agreed to.

May. 1. The House having again resolved itself into the Committee,

Mr. *Pitt* said, he had listened with attention to the evidence brought forward by the petitioners, but had not been convinced that the exportation of wool to Ireland would so far endanger the woollen manufactures of this country, as to interfere with the general policy of the measure. He was desirous of hearing what impression the evidence had made on other gentlemen. All he should do at present was, to move, that the sixth resolution be agreed to.

Mr. *Peel* said, that he also had attended to the evidence; and he so much respected the grievances of the manufacturers in the woollen trade, that he should be happy to see them removed, if it could be done without endangering the general plan of the union. He would observe, that the cotton manufactory in Ireland had to boast an equal importance with the woollen manufactory of this country. There was a rivalship between them, not of an invidious, but of a friendly nature. In 1785, he had, at the bar of the House, expressed his fears of the cotton manufactures of Ireland interfering with this country, from the circumstance of the low price of labour in Ireland. He equally deprecated such interference with respect to the woollen manufactory; he considered it as likely to destroy the good effects of a union. He had hoped that it would be the means of bringing the two countries together by a closer connexion, of producing an advantageous co-operation between the manufacturers, and of rendering the manufactures of each country cheaper, and the supply more permanent; but he saw prejudices in the way. This country, aware that the low price of labour in Ireland was favourable to the exertions of industry was apprehensive that, by the introduction of machinery to assist that industry, Ireland would outvie us in our own manufactures; while Ireland, on the contrary, was apprehensive of an intercourse with England. That apprehension had unhappily been increased by an expression of a member of parliament in that country, Mr. Beresford, who had asserted, that a weak country always stood in need of protection against a rich one. Nothing could be more fallacious than such an observation. It was like a poor family shutting the door against a rich and benevolent man who came to their relief. England was in want of no aid to enable her to secure her independence; it therefore could not be supposed that she was actuated by selfish considerations. He should have hoped that the union would have been adopted on terms reciprocally advantageous. Ireland was in possession of a valuable staple manufacture; but he was well assured that it would not have been in so prosperous a situation, had it not been for the assistance it had received from the manufactures of this country. Yet, with all the advantages Ireland received from England, she refused to admit our calicoes with a duty of 50 per cent. What he complained of was, that there should be such a want of friendly intercourse between the two countries. He was satisfied that the restraining clauses in the agreement for the union would make them more separate than ever. He had promised himself, that the effect of the union to Ireland would have been, that huts would be changed for comfortable habitations; that its commerce would increase; that the agents of sedition would in vain endeavour to alienate the people: that it would impart such strength to the two countries, as one entire empire, that

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France would be obliged to give up the contest, and that we should no longer struggle in arms, but in arts. The measure, however, had his support; though far from being carried into effect on the system he wished to have seen it.

Mr. *Wilberforce* said:—The hon. gentleman has stated, that the commercial arrangement in the articles of union, is highly partial to Ireland in the instance of the cotton manufactory, and that he is himself likely to suffer materially from that partiality: but that such is the sense he entertains of the importance of the measure of union, that he is determined, rather than endanger it, to wave the claim of himself and his brother manufacturers, however just, and at whatever personal expense to himself and them. It is no more than due to the hon. gentleman, to believe him sincere in thus sacrificing his own interest to the general well-being of his country. I willingly pay to the hon. gentleman that tribute of respect, which the uniform liberality of his conduct have so justly merited: but may I not be permitted to suggest without offence, when the hon. member appears to intimate, perhaps undesignedly, that the woollen manufacturers would also do well to act in the same spirit of liberality, that the two cases are not exactly parallel. By the blessing of Providence on superior talents, industry, and exertion, the hon. member has attained to a situation of the greatest opulence; but I am this day to address you in behalf of a vast body of men, many of them of a very different description—men, who state that their all is at stake, that they now can scarcely maintain their families, and that the measure which they oppose, is to them big with ruin. Such being the difference between the case of those valuable men, and that of the hon. member, I must say the hon. member appears to me to be a very dangerous ally; and it is my duty to guard the House against indulging their generous feelings to the irreparable injury of those industrious men whom it is their duty to protect.—The learned counsel has justly stated the magnitude of the interests which now claim the attention of the House—the prodigious capital, the immense numbers employed, the established policy of our ancestors respecting the woollen manufacture, which is interwoven in some sort with the constitutional and patriotic feelings of Englishmen, and is venerable for its antiquity, as well as respectable from the vast extent to which it is carried on. But, it is not merely for the interests of a single manufacture, however great, that I am now contending. It is not merely as a Briton, nor with an eye to British interests only that I am addressing you; but to those of Ireland also, and the empire at large. The landed, no less than the commercial interest is in question; the well-being of Ireland as well as of Great Britain. When the preservation of such a capital limb of our body politic is in question, as is endangered by the measure now proposed, every member of the empire is interested in preserving it entire and uninjured, much more than in obtaining some little partial, local benefit which it might derive from its loss. If Ireland shall be made an integral part of the British empire, the prosperity of Great Britain will be her prosperity; and as a part interested in the well-being of the whole, she cannot but suffer, in consequence of any injury sustained by such a material branch of our commercial system: she can gain nothing but what she might equally obtain by other means; she may lose that which can no otherwise be compensated.—I shall state distinctly, what it is to which I object, and what I wish to retain. I do not mean to ask that our woollen manufacturers after the union should continue to enjoy all the advantages they now possess, however in some sort secured to them by compact, and purchased by more than a fair equivalent. At present Irish wool is importable into Great Britain, but British wool is not importable to Ireland. All that the woollen manufacturers desire, is not to continue things on this unequal footing, but that each country should henceforth enjoy the use of all the wool it may produce. The ground of which proposal is this, that we now manufacture all the wool Great Britain produces, and should work up more if we could get it. But what is the system proposed in the articles? not merely that our wool should be exportable to Ireland, though whatever quantity should be so exported, would be so much taken away from the manufacturers of this country, but that, in order to encourage the Irish to work it up, protecting duties should be continued against our manufactured woollens. Surely this is unjust and inconsistent. At one moment you say, Ireland is to enjoy a free participation in all our natural advantages; the next moment you forget

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your own principle; you recognise an opposition of interests, and take measures for protecting and fostering the Irish woollen manufacture against the competition of its British rival. But, I cannot suffer to pass unimproved this opportunity of doing justice to the liberality of our woollen manufacturers. Had they viewed Ireland in the jealous spirit of commercial hostility, they would have complained of this protecting duty. No such thing. They only complain that this should not be thought enough, without forcing them to give up their raw material. They consent to give up the privilege of importing Irish wool; but why should Ireland import theirs?—But if this were all—if it were merely speculative injustice, it would not be necessary to spend so much time in exposing it. The numerous and respectable body of men engaged in the woollen manufacture of this kingdom, apprehend from it the greatest evils. The main ground on which these fears are founded is this, that the quantity of raw material wool, is in its nature limited; that the ordinary commercial maxim of the supplies proportioning itself to the demand does not apply to it, at least in any thing like the same degree as to other commodities. That the British woollen manufacture is now such as to require more wool than Great Britain produces, and that therefore, whatever Ireland may take from us will be taking the means of employment from our manufacturers. Wool, it must be remembered, is peculiarly circumstanced; it is an appendage to another article of more value to the farmer than itself. The farmer will naturally look to the carcase more than to the fleece for his reimbursement; a very minute difference in the price of meat is a source of far greater gain or loss to him than ever so great a difference in the value of wool. The high price of wool, therefore, will not have the same effect in increasing its production, as it will in increasing the produce of mines, or fruits of the earth, or any article which is not so connected, and dependent on another as wool is. Various reasons may also be assigned why inclosures and bringing into cultivation our waste lands, must tend to diminish the quantity of cloathing wool especially. It has been proved beyond dispute, that, for some time past, wool has been gradually becoming more and more scarce, till at length, in several parts, enough cannot be obtained for the purposes of manufacture. Mr. Hustler, a wool-stapler of superior intelligence and extensive dealings, states in his evidence that he has applied lately to farmers and agents in different parts of the kingdom, who informed him that there was no wool left in their part of the country: that he never but once before experienced any difficulty in buying the quantity he wanted, but that it was then bought up on speculation. Mr. Rawdon states, that he has been under the necessity of returning orders for the manufactured article from not being able to procure the raw material for the fabrication of it. Mr. Lumb states, that he has been in the habit of making journies annually to purchase wool, and that for several years past he has found increasing difficulty in procuring the desired supply. Mr. Fisher came up to London for the purpose of purchasing wool, and could only buy 70 packs instead of 2 or 300, which he wanted. Mr. Willis's evidence is strong to the same point. That of Mr. Nayler and of Mr. Gott confirms the opinion, that we now work up all the wool we grow, and that but for the increased importation of Spanish wool our manufactures could not have increased to their present extent.—But, notwithstanding the decisive proof hereby afforded that, from whatever causes, the supply of wool has been disproportionate to the demand, and that whatever we should export would be taken from our manufacturers, it is stated, that our woollen manufacture has increased, greatly of late years, and that this increase is to be no otherwise accounted for, than by the increase of the raw material. Much stress is laid on this argument, and, therefore, before I go any farther I will do it away. It is stated in evidence, that about 1784, there was a stock equal to three or four years growth in the hands of the wool growers. The truth is, that from 1784 to the present time, our manufacturers have been gradually expending that accumulation, together with the produce of every intervening year, till at length they have not only exhausted all their old hoard, but have encroached upon the stock which it is customary to keep in hand, and have used their wool in a premature state. There has, besides, been a considerably increased importation of Spanish wool within the last ten years which also, in part, accounts for the increase of our woollen manufacture. I ground the pro-

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priety of preventing the exportation of British wool to Ireland entirely on the position, that the quantity we grow is inadequate to the consumption of our own manufacturers; and that the principle of an increasing demand, producing a proportionably increased supply, does not hold good in this instance, for reasons which I have before assigned. But if my opponents would be faithful to their own principle, I might have spared myself and them the trouble of this long argument; for I might ask them, if demand, or to speak more correctly, the high price created by demand, insures supply, how can they account for this strange fact, that for the last seven years the price of wool has been uniformly increasing, and yet during that whole period, the quantity of the article has been as uniformly diminishing. How can this be accounted for on the principle of my opponents? Does it not stand in the way of their conclusion, and prove beyond dispute, that the principle of demand ensuring supply, for some reason or other does not apply to this commodity? It may be observed on the same point, that our increasing population has not, by producing a greater consumption of mutton, had the effect of increasing proportionally the quantity of wool. For it is notorious, that the animal is now killed at a much earlier period of its life than formerly; and it is obvious, that for any given number of carcases consumed, if they are killed at a year and a half, or two years old, we shall have but half the wool we should derive from them if killed at three or four years old.—To all the arguments, however, which might be adduced to prove theoretically that the quantity of wool has greatly increased and is still increasing in proportion to the increased demand for it, I must oppose besides all contrary arguments, the weight of positive testimony, unbalanced by any evidence to the contrary. If what has been stated at the bar be worthy of credit, there has been for some years an increasing scarcity of wool which has now become greater than at any former period.—It has been stated, that the natural advantages enjoyed by the manufacturers in this country are such that they need fear no rivalship from Ireland. I must observe, that this superiority is not so great as is conceived. In truth, the natural advantages of Great Britain for carrying on the woollen manufactory, are by no means such as to allow us with impunity to lay our manufacturers under difficulties, under the idea that they will be able to surmount them. Wool has long sold at a higher price in Ireland than in England, which would operate as a strong inducement to its exportation. The freight of wool from many parts of England is considerably less to Ireland than to the manufacturing parts of Yorkshire. In several particulars the natural advantages of Ireland for carrying on the woollen manufacture might be shown to be greater than those of Great Britain, particularly in the article of water, and of easy internal communication by navigable rivers. The introduction of machinery has, in a great degree, tended to produce the present prosperous state of the woollen manufacture; yet it is notorious that by that very machinery, the removal of the manufacture to another country is facilitated, since women and children can, by the help of machines, perform those operations, which before had required able and experienced artificers. In estimating the comparative situation of the manufacturers of the two countries, it was not possible to forget the prodigious difference, not only in wages of labour, price of provisions, and habits of life, but in taxes and other burthens of a similar nature: one of these is the poor-rates. It is urged, that we now, in the very face of the protecting duty, export woollen manufactures to Ireland to the amount of 600,000*l.* per annum. This is true; but from this no argument can be drawn as to what would happen if our raw material should be taken away from us. This would completely change the whole face of things. Ireland has by no means been inattentive to the encouragement of her woollen manufacture. Premiums have been offered, institutions formed, and other measures adopted, for the express purpose of protecting its infant weakness, and fostering its growth. Considerable effects have been produced by those efforts. Formerly, considerable quantities of wool and woollen yarn were imported into this country. Our importation of the former article gradually lessened, and at length wholly ceased; that of the latter also has been gradually diminishing. When I say this, do I feel any narrow jealousy of Ireland, or any disposition to check any efforts she may make for her own prosperity? Far from me be all such ungenerous sentiments! But it is not even for the benefit of Ireland herself that by an

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artificial system like this which is now proposed, Ireland should be tempted almost against her will, to turn her capital and her industry into this particular channel, when there are many others in which they might flow with equal and perhaps greater advantage. Why should Ireland be tempted to seek for her gain in our loss? Why should the two countries be thus set in opposition to each other? But it may, perhaps, be stated, that I am forgetting that the two countries are now to be identified. If, indeed, in all other particulars the union were to be complete, then it might be worth while to make a sacrifice, in order not to vitiate the completeness and integrity of the arrangement. But is this the case? What are all the protecting duties but so many deviations from the principle of union? Are not the two countries to be altogether on a different footing in the important article of corn and other provisions? Above all, are they not to continue for twenty years at least in different situations in respect to their taxes, and is not the strange anoma ly to be exhibited of 100 Irish members imposing upon the British nation taxes and regulations to which they are not themselves subject, thereby taking away from us one of our grandest securities against excessive imposts and oppressive regulations? If, then, the principle of union is to be qualified in so many instances, why not admit that one further modification for which I contend? Can it be shown that the importation of wool into Ireland is at all necessary to the union? It cannot even be stated to be necessary to the commercial well-being of Ireland; for it made no part of the propositions of 1785. In truth, the union would be nearly, if not quite, as valuable to Ireland without as with this concession. —I must now go upon another ground on which I might boldly contend, as a matter of right, against the arrangement now proposed. I allude to the linen and woollen compact. In the Journals of the two Houses for 1698, will be found addresses to William 3rd, representing that the wealth and power of England in a great measure depended on the preserving the woollen manufacture; that from various causes which are stated, the English woollen manufacture is likely to be prejudiced by the increase of the woollen manufacture in Ireland. Whereas Ireland is peculiarly adapted to the linen manufacture, the establishment and growth of which might enrich themselves, and be profitable to England: they therefore beseech his majesty to direct that measures may be used for discouraging the Irish woollen manufacture, and encouraging the linen manufactures in Ireland, to which they declare, they shall always be ready to give their utmost assistance. The king's answer was an exact assent to both parts of their address. A speech and an answer of a similar import were made by the lords justices to the Commons of Ireland. Measures were accordingly taken for the execution of both parts of this compact, but that which it is most material to remark, is this, that in performance of our part of that compact, we have been uniformly paying a bounty on the exportation of Irish linens from this country, which has of late amounted to about 30,000*l.* per annum; and still more, we have been paying 33 per cent. more for all the Irish linens we have consumed than we should have paid for the same quantity of linen imported from Germany, this has amounted to 700,000*l.* per annum, according to lord Auckland's statement, and to 1,000,000*l.* per annum by lord Castlereagh's: this has been equivalent to a bounty to the same amount on Irish linens, and in fact has been so much paid out of the pockets of the people of this country to the people of Ireland. What have been the motives which prompted them so to do? The answer is obvious: the obligation they contracted by the compact before named, to encourage the linen manufacture in consideration of the Irish giving up the woollen; yet it is now proposed to us not merely to give up those advantages which were the consideration for which England has been making these sacrifices for the benefit of Ireland, not merely so far as our advantage is concerned to annul the compact, but to put Ireland in possession of both parts of the compact. What would be thought of such a transaction in private life? So strong do I feel on this ground, that I might safely have rested on it the whole question, if so many other arguments had not concurred to enforce the same conclusion. Our manufacturers have a vested capital of five or six millions sterling in mills and machinery, which cannot be removed to another country; they invested this capital in reliance on the protection of parliament, and surely that protection will not now be withdrawn. Another consideration is, the discontent which the

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measure will produce in the minds of an immense body of people, if it should be passed in its present shape. My right hon. friend himself stated that he should be strongly disposed, not to wound the feelings and even the prejudices, of any great body of people, and this, which is the policy of every wise government, is powerfully enforced upon us by the present state of public affairs. It is impossible not to be struck with the impropriety of fixing for ever the arrangement now proposed to us. During the war our exports, have exceedingly increased, partly from our not being rivalled in the markets of Europe by some of our old competitors; partly by the increased demand occasioned by the war. I will deliver no opinion, whether or not our exports after a peace will continue equal to their present amount; but I know that doubts at least are entertained on this head by many able and experienced men. Is it wise, then, to take the present moment for inflicting a wound on our staple manufacture, under an idea of its vigorous state rendering the blow of no importance? But the woollen manufacture has another claim to the notice of parliament. It has a value not to be stated in figures, not to be estimated from a book of rates. Many manufactures which contribute largely to the national wealth are highly injurious to the public morals, but whatever other claims of equality may be set up for the cotton manufacture I may justly assert for the woollen manufacture a superiority of a higher kind. It is a domestic manufacture not so much carried on in large factories where multitudes are collected together, and children too often learn prematurely, the vices of more advanced age; but any industrious individual possessing credit for a capital of 10*l.* buys therewith a pack of wool, works it up with the assistance of his wife and family, and brings it to the public market for sale just as the little farmers bring their several articles of produce; the wealth thus acquired and diffused, is not obtained at the expense of domestic happiness, but in the enjoyment of it. I have myself witnessed the scenes I am imperfectly describing, and could the committee become personally acquainted with the prosperity, the domestic comfort, the industry, the spirit of independence and of rational liberty, which the woollen manufacture has diffused over a country naturally barren and thinly peopled they would be backward to incur the smallest risk of endangering the continuance of this happy scene, and of drying up or diverting the stream which has proved to this extensive district the source of so many blessings. I once more earnestly entreat the committee to consider that the step now proposed is not like a vicious law which may be repealed when once taken, it will be irrevocable. On the whole, therefore, I must object to the article as it stands, and propose instead of it, not that Great Britain should continue to enjoy the advantages over Ireland she has hitherto possessed, but that each country should be suffered to retain and work up itself the wool which it produces.

Mr. *Pitt* said, that however warmly he might feel in favour of the liberal principle which ought to exist in the event of an incorporate union between the two countries, namely that there should be a free commercial intercourse between them, and however anxious he was for the full application of that principle, still if he was convinced that there was any reasonable ground for apprehending those consequences which had been predicted, he would not hesitate to deviate from that principle. After the most minute investigation, he was satisfied, that to permit the exportation of the raw material to Ireland might gradually, and in the course of time, be productive of advantage to Ireland; but that it could not, even upon the principles laid down by the petitioners themselves, cause the least mischief to the manufacturers of England. By the adoption of the present article, they were doing that which, in his view of the subject, might tend greatly to the advantage of Ireland; but which considered as a sacrifice on the part of England, would be trifling, and on the part of the manufacturers, nothing. If his view of the subject was correct, any transfer of manufacture which the adoption of this article might be supposed to make to Ireland, would not make any void that would not be much more than filled up by the increase of our trade in this article. If the effect of permitting the exportation of the raw material to Ireland should be that of transferring any portion of manufacture to Ireland, it would only be gradually, and in the course of a great number of years. With respect to the arguments urged by his hon. friend, some of his objections were contradictory to each other. In one part of his speech his hon. friend

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had contended against permitting the exportation of wool to Ireland, because the effect of it would be to transfer the whole of the manufacture to Ireland: and in another part he had objected to it, because it would be highly injurious to England, without being productive of any great advantage to Ireland. Now, both these arguments could not be founded: because in the question of the transfer of a manufacture, it was impossible (supposing the demand to continue, which was not doubted) that England should lose without Ireland gaining exactly in the same proportion. In order to form a correct estimate how far this manufacture could be the subject of transfer, and how far this article had a tendency that way, it would be necessary to consider in what markets Ireland could rival us. There were but three markets in which she could rival us; in her own, by supplying as much of the manufacture as was necessary for her consumption; in foreign markets; or in our own market. He would not contend that the effect of the adoption of this article would not be in time to enable Ireland to supply her own market, and consequently to diminish our manufacture by so much as we now supplied for the consumption of Ireland. He would even admit, that in the course of time Ireland might, in some branches of her manufacture, be able to meet, or even obtain a preference over us in foreign markets; but that she should be able to meet us in our own markets must be obviously impossible. His hon. friend had advanced, as an objection to the proposed regulation, that it was unequal, because it permitted the exportation of the raw material to Ireland, while it established protecting duties upon the manufacture. Now, if the manufacturers were of opinion that it would be advantageous to them to suffer the Irish to send over their manufacture to England free of duty, after we had permitted the free exportation of our raw materials, it was clear that they must be of opinion that the manufacture would be still better and cheaper in England, and that they entertained an apprehension of Ireland beating us in our own market, because otherwise they must be anxious for the existence of a protecting duty. He had already admitted, that there might be some articles of the manufacture which, as industry must always find its level, might in time be distributed some in one country, and some in the other. But the objection which had been made to the continuance of the protecting duty upon the manufacture, showed that the manufacturers of this country were of opinion that they would be still able to beat Ireland, even after she was furnished with the raw material necessary for the manufacture. Now, with respect to the manufacture furnished by this country to Ireland, it amounted to about 700,000*l.* a year. Now, he begged the committee to compare this supply with which we furnished Ireland, with the whole of the manufacture of this country, both for its own consumption, and for the supply of the foreign markets; and it would be found that the whole of the exportation to Ireland did not amount to above 1-30th part of our whole manufacture. After this statement, it would be impossible to contend, that this was a question about ruining the great woollen manufacture of England—of giving a shock to the vast capital vested in it—of turning the persons occupied in it out of employment, and consequently of increasing the poor-rates. The utmost that could be urged was, not that our manufacture would be diminished but that the rapid increase, which we were making might, in a small degree, be retarded; that our increase, though great, would not be quite so great as if we had kept the Irish markets. With regard to the question, whether the demand for this manufacture would continue to increase? he believed some difference of opinion existed. Some persons were of opinion, that the demand would probably diminish on the conclusion of a peace. He had upon other occasions, stated his reasons for thinking that, in the event of a peace, a great increase would take place in the whole of our commerce. But the committee had not only his opinion upon this subject, they had also the evidence of the witnesses who had been examined; for they had stated, as a reason against permitting the exportation of the raw material, the probability of an increased demand for the manufactures on the termination of the war, The question then resolved itself into this, Whether, with our manufactures in a state of unprecedented prosperity, a prosperity which had increased, and was likely to increase, we would not consent to communicate a part of our advantages to a kingdom with which we were about to effect a complete union? The next question was with regard to the propriety of permitting

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the free communication of a raw material from one part of an united kingdom to another. As a general principle this had not been denied; but his hon. friend had stated that it was applied only to this article of wool; this statement, however, was not correct, for the principle was not applied to the article of wool alone: the policy which governed all these articles was, to make the intercourse between the two countries, with respect to raw materials, and the whole of the trade between the united kingdoms, as free as possible, under all the circumstances of the case, to carry this principle into full effect; but every effort had been used to make the exceptions to it as few in number, as small in extent, and as short in duration as possible. The ground upon which these exceptions were admitted was, to prevent any sudden shock to capital vested in trade, which might arise from the permission of an immediate and complete freedom of intercourse between the two countries. It was upon this ground that he had stated, on a former night, that, although on the first view of the subject it might be natural to suppose that in the event of an union it would be desirable that each country should be permitted to manufacture that which it found most convenient, yet that could not be carried to its full extent, because such a sudden freedom of intercourse might in certain cases injure the capital vested in particular manufactures. But though the necessity of some temporary restraint was clear, as applied to manufactures, it was by no means so when applied to the raw material. Now, with respect to the general equity of the principle: as to its effect upon manufactures, it had been considered as a doubtful question whether permitting the free exportation of wool from this to other countries would not be beneficial to the landed and to the commercial interest. Upon this point he wished to give no opinion, though it was one in favour of which much might be said; but when he saw that the manufactures of this country had risen to such an unprecedented state of prosperity by the adoption of a contrary system, he certainly would not, upon any speculative reasoning, consent to disturb it, as far as related to foreign countries. If, however, it was a doubtful point whether the free exportation of our wool would not be advantageous to our manufactures, could it be contended, that it was clear that they would be ruined by permitting its exportation to Ireland? Had it been found to be so in the case of Scotland? Had she ruined our manufactures, and transferred them to herself? Undoubtedly not; and yet at the time of the union with that country her taxes were considerably higher than those of England, and were so at the present moment. What had been the effect of permitting the free communication of the raw material to Scotland? Why, among other sources from which we obtained that article, Scotland was one; and the woollen manufacture of Scotland was only of the coarsest and cheaper sort.—He begged now to consider this question as it related to the three markets in which Ireland could by any possibility rival this country, and to the possibility of Ireland beating us in them in consequence of our permitting the exportation of the raw material. The first consideration was, the comparative price of the raw material in the two countries, in order to decide how far, by permitting Ireland to import it, she might beat us in foreign markets. Did those gentlemen who predicted the ruin of our manufactures take into their consideration the wealth of Ireland as compared with that of England, when they talked of her out-bidding us in our own markets? Surely not. She might, it was true, endeavour to purchase a certain quantity of the raw material in England, and, by bidding, far increase the price: but would that be urged as a mischief? If the manufacturers complained that the quantity of wool had decreased, surely the making the growth of it more profitable would tend to increase the supply. He did not see how it could be contended that Ireland could beat us in the manufacture by procuring the raw material cheaper, and that her bidding for it would raise its price. If she bid for it, England, as the richer nation, might out bid her, or, at most, she could obtain it at an equal price, and then the competition between the two countries would go on as it was at present. With respect to the comparative price of the raw material in the two countries, at this very moment it was something higher in England than it was in Ireland. He contended, therefore, that, as far as depended upon the comparative price of the raw material in the two countries, the regulation now proposed could not have the effect of transferring the manufactures to Ireland. But even if

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wool was cheaper in England, Ireland, by purchasing here, must render the price of that article the same in both countries, and consequently the inequality in point of price, which was so much dreaded, would be done away.—Another argument which had been urged, had very much astonished him; namely, that from the great cheapness of freight, wool might be sent at less expense to Ireland than it could be from one part of England to another. With respect to all the places from which Yorkshire drew its supply of wool, the communication between them and Yorkshire was much more easy than between them and Ireland.—The next argument was, that the cheapness of wages in Ireland would enable her to manufacture cheaper. It was stated, that as wages and taxes were lower in Ireland, she must beat England, where wages and taxes were higher. This was assuming a principle which contradicted the experience of the world, that a country which was taxed more lightly, was better able to carry on manufactures than a richer country labouring under heavier taxation. If that proposition was true, would the manufactures of Great Britain have risen to such an unexampled height under such a weight of taxation? The calculation which the learned counsel had made upon the subject, was most inapplicable. He had taken the whole of the taxes of the two countries, and divided them by the number of the inhabitants, and had stated the result as the amount of each contribution. It was astonishing how such a calculation could be made. How many parts were there in this country in which the taxes had no effect upon the price of wages? Did the land-tax, did the assessed taxes; did the stamp duties increase the price of wages? Did all the taxes upon articles of luxury increase the price of wages? He did not believe that Ireland was taxed in a lighter degree than England. He also differed from the learned counsel in considering the nominal price of wages as the standard. In speaking of the wages given to a manufacturer, two considerations occurred: it was undoubtedly true that agricultural labour was cheaper in Ireland; but in various branches of manufactures, the wages were higher in Ireland than in England.—The next and most important question was that respecting the capital. Where capital was in such a commanding state as it was in England, it was much easier to continue and support a manufacture than it was to establish one in a country differently circumstanced with regard to capital. It had been stated, that in order to carry on this manufacture, which produced near twenty millions annually, there was a capital of 6,000,000*l.* actually sunk. What temptation, then, had the manufacturers to transfer all the manufactures of this country to Ireland? Why, in the first place, they must give up the six millions they have sunk in England; and before they can establish it in Ireland, they must sink six millions more there. He stated this to show, not that Ireland would derive any advantage from this regulation, but that there was not the least reason to apprehend that sudden transfer which could give a shock to the vested capital.—The next part of the subject was that which related to the state of skill and machinery in the two countries. There was much difficulty in finding the extent to which our manufacturers had benefited by the improvement of machinery; that it had done much, however, was perfectly clear. There was a difference in the statement of the degree in which the manufacture depended upon machinery; but take it either way, and the conclusion was the same. If little of the manufacture was carried on by machinery, then most of it must depend upon human skill and ingenuity; if that was so, it was not the day-labourer, but the skilful manufacturer that was wanted, and then Ireland would have no advantage, for the reasons he had before stated. If, on the other hand, most of it depended upon machinery, then all the argument about the cheapness of labour in Ireland fell to the ground, for machinery was as dear in one country as it was in the other. Taking the question, therefore, in either point of view, Ireland would not have the advantage over this country.—The next argument went to show, that if this exportation were allowed, Ireland, from her situation, would have an advantage over us, on account of her ports being more favourable to fit out for the West Indies, America, or almost any part of Europe, and having the same means to obtain Spanish wool. Now, upon the subject of Spanish wool, and also upon that of their own linen, how stood the fact? Had they rivalled us in Spanish wool; had they not even exported their own linen through Great Britain? It appeared that, upon the subject of the Spanish wool, they bore no resemblance to us, and that, as to their

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own linen, we had exported more of it for them than they had been able to export for themselves. Did not these facts amount to an answer to that part of the objection to the exportation of wool to Ireland? And how did this arise? What was the reason why the linen of Ireland came to London, for the purpose of being exported again, under all the inconveniencies that were inseparable from such a course? What was it that brought such a trade here? What, but the capital and the assortment that were peculiar to this metropolis? That capital and assortment would create trade at any time: it was a capital, and it was an assortment, not to be equalled in any part of the globe. The result of all this was, that there did not appear any probability, that Ireland could rival us, in any considerable degree, in the foreign market. Now, with regard to the home market, which, in several points of view, was more important than the other; considering the subject with reference to skill, to capital, and assortment, the advantage was clearly in favour of Great Britain; nor was the advantage we had in the article of fuel, of slight import. The case being thus, there was not the least injury to be apprehended from allowing this exportation.—He now came to the question of the raw material. If he had shown satisfactorily to the committee that the part of it which was likely to go to Ireland, must, from the nature of things, be limited, it followed, that the evil resulting from it must be limited also: upon which he felt himself entitled to say, that there was, in the whole consideration of that part of the subject, nothing to justify a deviation from that liberal principle of free intercourse which was the basis of the union between the two countries. Upon what ground the produce of wool was to form an exception from all the other produce of the earth, or the traffic of the world, he was at a loss to decide. It had been stated, that the growth of wool could not be increased; and particularly, that the growth of fine wool was confined to a few spots, and to a particular breed of sheep. Now, it had appeared in evidence, that in Hampshire, by the introduction of the South Down sheep, the breed which produces the finest wool, had greatly increased. With respect to the assertion, that the practice of inclosure tended to diminish the quantity of wool, the fallacy of it must be obvious upon the first view; for whatever had a tendency to the multiplication of sheep, must have a tendency to an increase of the growth of wool.—The next question was, Whether an increase of the price of wool would contribute to the increase of the article? The growth of wool must have increased considerably within these ten years. This would be manifest, from the very cause which the manufacturers assigned for its diminution. By the statement of these manufacturers, it appeared that, in 1792, they experienced the same scarcity as they do now, and the demand was the same then as it is now. Was he not then justified in saying that the whole of the wool was worked up at that period? His hon. friend said, No; that the then apparent scarcity arose from a partial demand for clothing the French army. The whole export was only 150,000*l.* to France; this exceeded the usual annual export by no more than 60,000*l.*, which upon the amount of 18,000,000*l.* was next to nothing, and could not possibly have been the cause of the scarcity of wool. What, then, was the conclusion from all this? Why, that the whole was worked up as it is at present.—The next point was, whether an advance in the price of wool would increase the quantity of that article? He felt the probability of an advance in the price; but that it would not tend to injure the manufacture, while the advance was moderate, the manufacturers themselves admitted; and that an increase in the price had a tendency to increase the quantity was obvious, since wool, like every other article, must depend, in a great measure, on the encouragement that was given to its production.—But, to say no more upon that subject, he would ask the committee to examine what was likely to be the effect of the union in the view of the operation of capital? Would not the effect of a redundancy of capital in Ireland be to improve the infant agriculture of that country? Who could doubt that that which happened to Scotland after the union, would happen to Ireland? Who could doubt, that although, by this allowance of importation, we conveyed a part of our wealth into Ireland, yet that we should be amply repaid by the increase it would create in the agriculture and commerce of that country, without materially affecting ours? For these reasons he should support the resolution.

Mr. *H. Lascelles* conceived, that a great advantage would result from the

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union to England, but a much greater to Ireland. He was, however, of opinion, that Ireland would be sufficiently benefited without this sacrifice, which we were called upon to make of our native produce, by exporting it out of the country.

Dr. *Laurence* considered this article as by no means necessarily connected with the question of union itself. It seemed to have been given as a boon to Ireland, and in this light it had been represented by Mr. Beresford, in the Irish House of Commons. It was stated by him, as an acquisition of great importance, particularly as wool was dearer in Ireland than in England; and, according to that gentleman, Ireland was then able to cope with us in the market, and was to gain so much additional advantage by this regulation. Dr. L. contended, that the demand was already greater than the supply, and that this article would tend to diminish that supply still farther.

The Committee divided: Yeas, 133; Noes, 58. The House resumed; and the report was ordered to be received tomorrow.

May 2. The Resolutions were reported, and read a first time. On the motion, that they be now read a second time,

Dr. *Laurence* said, that as it was his opinion, that these resolutions, if adopted, would be pregnant with the greatest evils to both countries, he thought it his duty to give them his decided opposition. As perpetual reference had been made to the union with Scotland, he wished to have some part of the articles which formed that union read. The 4th and two others being read accordingly, the learned member said, that from these articles it clearly appeared there was a firm, equal, and honourable union between this country and Scotland; but that in the present case it was altogether the reverse. He begged the House to consider that they were now about to determine finally on a measure not of a common kind—not a measure which, if found to be wrong, could be remedied by any act of that House: it was not like a declaration of war, or a treaty of peace, which that House might sanction in one instance, or put an end to in the other. This was a treaty of that description, that, if once ratified, no alteration in it could take place. Here the learned member went through the several articles, commenting at some length on each resolution. He said it was his opinion, that there was no necessity for the measure, and that, above all, the most essential ingredient to the success of it was wanting; namely, the consent of the people of Ireland, without which all union would prove but a rope of sand. Besides, no proofs had been adduced why we should adopt this measure under the present circumstances. The Scotch union was pretended to be the grand foundation; but there was not the smallest similarity in fact. The commercial arrangement was not made on any fixed principle of liberal and equal union, but merely protected one set of manufacturers against another. The learned gentleman then adverted to the peerage, which was the most anomalous system he had ever heard of. He ridiculed the idea of a person being at one and the same time a peer of the united kingdom, and sitting also in the House of Commons. He might do an act as a member of the House of Commons, for which he could not be tried by his peers; but while in fact he was a peer, he must be tried as a commoner: whilst he was a peer only, he was entitled to his peer's privileges; but when he became a commoner, though he was still a peer in fact, yet he was deprived of all his privileges as a peer. How were they to dispense with the standing orders of that House? By one of them, all peers are interdicted from interferenc at elections. How, then, are these Irish peers, when formed by creation into peers of the whole united kingdom, to be elected members of the House of Commons without interfering in such elections? As the order now stood, it would be dangerous to couple them with any other candidate, for the interference of a peer actually set aside and made void the election. They seemed therefore to be peers and no peers at the same moment; an anomaly highly absurd on the first blush of it. He then touched upon the constitution of the House of Commons, and the consequences to be apprehended from adding 100 members to it from another kingdom. He strenuously contended, that a small body acting with a larger, in circumstances similar to those in which the two countries would be placed by the union, unless they supported the measures of government, could not protect effectually those by whom they were delegated. He wished the House to call to mind the influence this might throw into

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the hands of the Crown, which he thought, with his late right honourable and illustrious friend (Mr. Burke), had increased, was increasing, and ought to be diminished. He compared the pension lists of the two countries. In this, it amounted to 120,000*l.*; but in Ireland, besides the civil list of 104,000*l.*; there was also a pension list amounting to 110,000*l.*; and all these, added to what was already at the disposal of the Crown, made him dread throwing any farther weight into a scale which preponderated too much to the side of influence already. The learned member also expressed his apprehensions for the order of the House, even under the good government and authority of so excellent a chairman as the present Speaker; hinted at a recent and other duels, which were too common; and viewed the addition of members from that country as contrary to the principles of the constitution of this House of Commons, which had wisely limited its number to 558, as the best adapted for all parliamentary purposes, and particularly for a deliberative assembly. The learned gentleman then took an extensive view of the state of the Irish parliament at the time it consented to the union; which, he said, rendered it unfit to be the organ of the wishes of the people. The present measure could be productive of no advantage to this country; but would spread discontent, distraction, and division throughout Ireland. He heartily prayed Almighty God that it might never pass: but if it should unfortunately be adopted, he would as heartily pray, that that Being, who called order out of confusion, harmony out of discord, and light out of darkness, who, from jarring elements, created the fair fabric of the universe, would avert the evils which the union was likely to bring down upon the British empire, and turn to its prosperity what was calculated for its ruin.

Mr. *Morrit* said, that the learned gentleman had used his utmost endeavours to dissuade the House from the measure; but all the arguments which he had advanced tended only to corroborate more strongly the necessity and wisdom of the union. The Scotch union had experienced much opposition when first proposed; but those who had been reviled on the occasion, had lived to receive the thanks of their countrymen for such proofs of uncommon sagacity. Those who had the real interest of both countries at heart, were warm advocates of the present measure.

Mr. *Ryder* said, that the whole of the learned doctor's argument was directed to prove that the union with Ireland was not a perfect union. This was admitted. The question chiefly was, whether these imperfections were to be put in comparison with the benefits that would result from such a connexion? As to the measure in a commercial view, whatever objections were made would easily be obviated by the wisdom of the imperial parliament: With regard to the principal of finance it was likely to be highly advantageous to the two countries. The income and expenditure of both would be more accurately ascertained, and the equal proportions more easily defined. The parallel between the Irish and Scottish parliaments was inapplicable. The peers were differently constituted. There were persons who had been honoured with Irish titles, who had not the smallest connexion with the country; they had been invested with those distinctions as a mark of royal favour for eminent services; and surely it would be unjust to deprive such men of the privilege of serving their country in that House. The salutary effects of the union would very soon be experienced on both sides of the water.

Mr. *Bankes* said, it was putting the question to the fairest issue possible, to determine whether it would be for the advantage of the empire to decline these propositions, or to accept them with all their imperfections on their heads. The incidental questions respecting commerce, revenue, and representation, were in themselves, no doubt, of considerable magnitude: but at the same time of small moment, when compared with those respective situations which made it improper for Ireland to coalesce with us, and for us to coalesce with Ireland. That country was inhabited by two distinct classes of people, hating and hated by each other. There prevailed amongst them a want of cultivation, a degraded peasantry, a frequency of horrid murders, and scenes of confusion disorder, and rebellion. We should, in his opinion, have some security to be free from the unfortunate cause of those calamities, before we made one cause with them. The mass of the people of that country had claims which they would never forget, upon every acre of land forfeited by the revolts and frequent rebellions of their ancestors. The rigour of the laws

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against the Roman Catholics had been gradually relaxed, without producing any sensible or practical effects upon their disposition. In fact, so much had the coercive system subsided, that the Roman Catholics were already in possession of every privilege they had to claim, except the right of sitting in parliament, and an exclusion from certain considerable offices in the state, not more in number than from thirty to forty. From their general situation in life, the privilege of sitting in parliament could be of no great consequence to the bulk of the Roman Catholics; but in the hands of crafty and designing men, it always offered the means of stirring them up to sedition; and unhappily these means had seldom been employed in vain. It was not his business now to give any opinion on the methods which might more properly be employed, if indeed any could be effectual, to conciliate these people; but what they called emancipation, was an indulgence which he could by no means recommend. Before, we were called upon to unite ourselves with Ireland, it would be highly necessary for that kingdom to put itself in a state of internal tranquillity; but it did not appear that the Irish parliament had taken any steps for that purpose. The Irish members would come here, in the first instance, on terms of equality in point of qualifications and every other respect, as the representatives of Great Britain; and would take the usual oaths of allegiance and abjuration, which must operate as an exclusion of Roman Catholic members. So far no advantage was granted to that description of persons; nor did he see how the scheme could tend to remove the fears which the Irish Protestants were known to entertain of their Roman Catholic brethren. But it was stated, that the union would promote the commerce and agriculture of the country, and by that means materially improve the condition of the people. If this was a benefit, he would ask, did the Roman Catholics ask it, or were they even willing to receive it when voluntarily offered? There was no manifestation of any such disposition on their part, nor did the majority of them look to any thing so much as the revival of their old pretensions. It was in vain to judge by a momentary calm. Never, from the days when the Roman people retired to the sacred mountain, to the time when the Irish volunteers mustered their force in Dublin, was it proved by any tranquil suspension, that the mass of the people was not always ready to advance and renew its claims whenever an opportunity offered. Every thing proved that they were a very dangerous set; at present our intercourse with them was a slight one; but by a legislative union we should commit ourselves altogether, and could not perhaps afterwards get rid of them. What was the grievance of which Ireland had so long complained? It complained of having a parliament which was always acted upon by an English faction. Surely, then it would be no remedy for such a grievance to put that nation under the immediate control of that very faction whose influence it deprecated. A noble lord, whose talents, firmness, and eloquence, had made him the object of just admiration (he meant the lord chancellor of Ireland), had delivered a memorable speech upon the subject, in which he did not disguise his disgust at, and expressed something bordering on a great contempt of the proceedings of the Irish parliament. That parliament, his lordship said, could offer no guarantee for the security of the state: and he instanced the regency to show how little safety there was in a legislature so constructed. In fact, the jealousy of that parliament had been strongly exhibited in what was called the final arrangement of 1782: it broke out again in the Irish propositions in 1785; and became more manifest in the question of the regency, when the empire was liable to be placed in the anomalous situation of having a regent of both kingdoms, under limitations in the one, and totally unlimited as to the other. That, however, was a very singular case, and, had the great seal been put to the bill in this country, might have soon been accommodated. But a more serious difficulty arose two years ago, fomented by the political opinions of designing men, and finally terminating in a religious war. It was true that few persons of property took any part in that unfortunate rebellion; and so far from its being assisted by the respectable Roman Catholics, many pikes fell from the hands of the rebels by the fire of the militia and yeomanry of that persuasion. But, viewing the cause of that rebellion in all its bearings, he would, ask whether, if this union had been in force at that time, it would have prevented it? Would it afford us any security, that, if the French could land a considerable force in that country, they would not be joined by

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those very men who had availed themselves of that lenity, which the government had extended to them? In such a conjuncture there could be little doubt but their inveterate hatred to the English would show itself afresh. For their hostility to this union, he had the authority of their own detestable organ, the committee sitting in Dublin, who had declared, that they would be contented with no terms that could be held out to them by a union, and that they would oppose it at the expense of that very emancipation which they so violently contended for. The professed object of the measure was, to oppose this massy buckler of union to any attempt at invasion during the present war; but he did not see how we could effect that object, when it was found incapable of tranquillizing the Protestants. So far from concentrating the property of Ireland, it served only to divide the good friends of the constitution; it rendered the lower classes of the Catholics more disaffected, if possible, than they were before, and relaxed the zeal which the Protestants felt for the existing government. From all these considerations it was evident, that we could not bring into this union the physical force of Ireland; on the contrary, that force would become more dangerous after the local parliament should be transferred. In their own parliament, the Roman Catholics always had partizans who were ready to bring forward measures in their favour, and they might have rested content with the expectation of the result to be produced. In this country, they knew there were persons of great political eminence who did not think it right that Ireland should be governed by the Protestant ascendancy, which was so inferior in point of population, and should any change bring those men into power, it was not impossible that Ireland might yet be governed by a Roman Catholic parliament, Under the present arrangement, the mass of the Roman Catholics had nothing to expect, though every exclusion should be removed by the united parliament. A few Roman Catholic gentlemen sitting in that House, or even the whole 100 Irish representatives, would make no change in the regular establishment; and therefore the Roman Catholics, constituting the physical force of Ireland could have no chance in future of accomplishing their views but by a total separation. This was the strong ground upon which he rested his opposition.

Colonel *Wood* believed the measure to be the only one which, under all circumstances, could save Ireland. He was however against permitting wool to be exported to Ireland till such time as we had a greater quantity than we could manufacture. He was also hostile to that article which gave an unlimited right of admission to seats in the House of Commons to peers of Ireland, as being one of the most dangerous innovations upon the constitution that could have been devised; it would add more to corruption and influence than any one of those measures of which honourable members had been so jealous. By the union he expected that not only the strength of the two countries would be concentrated, but religious feuds and distinctions done away, and that in the course of a few years, Ireland would attain that degree of prosperity which otherwise ages would not have been able to effect.

Sir *R. C. Glynn* congratulated the House that the time was arrived when we might entertain the hope that the British islands would be united into one kingdom. The terms of the union appeared to him to be founded on the broad basis of mutual ability.

Mr. *Nicholls* said, that the discontents of Ireland did not arise from religious disputes, but from rights refused, and from oppression continued. These it was that made the Catholics to be considered as dangerous subjects. When they became a minority of the whole empire, it would be safe to grant them every possible indulgence. He trusted, that the united parliament would see the necessity of putting an end to all religious distinctions. He saw but little danger in the measure, and nothing but what was greatly overweighed by the probable good.

The question being put, that the said Resolutions be now read a second time, the House divided:

Tellers.

Yeas	Mr. Ryder The Lord Hawkesbury	208
Noes	Mr. Bankes Sir W. M. Milner	26

The three first resolutions of the Committee being accordingly read a second time, were agreed to.

May 5. The House proceeded to take

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the report into further consideration. Several amendments to the 4th Resolution were proposed by Dr. Laurence, Mr. Grey, and sir W. Dolben, and negatived, the Resolution was agreed to. The remaining Resolutions, after several verbal Amendments, were put and agreed to.

Mr. *Pitt* said, that having proceeded thus far in the business of the union between the two countries, it next became his duty to move, "That an Address be presented to his majesty, humbly begging leave to acquaint his majesty, that, in conformity to his majesty's gracious message, laying before us the resolutions of the Lords and Commons of Ireland, we have proceeded to resume the consideration of the great and important subject of a legislative union between Great Britain and Ireland: that it is with unspeakable satisfaction we have observed the conformity of the said resolutions to those principles which we humbly submitted to his majesty in the last session of parliament, as calculated to form the basis of such a settlement: that, with the few alterations and additions which we have found it necessary to suggest, we consider these resolutions as fit to form articles of union between Great Britain and Ireland, and if those alterations and additions shall be approved by the two Houses of the parliament of Ireland, we are ready to confirm and ratify these articles, in order that the same may be established for ever by the mutual consent of both parliaments.—That we offer to his majesty our humble congratulations upon the near prospect of the accomplishment of a work, which his majesty, as the common father of his people, has justly declared to be so near his heart, concurring with his Houses of parliament in Ireland, on the full conviction that, by incorporating the legislatures, and consolidating the resources of the two kingdoms, we shall increase the power and stability of the British empire, and, at the same time, contribute in the most effectual manner to the improvement of the commerce, the security of the religion, and the preservation of the liberties, of his majesty's subjects in Ireland."

Mr. *Tierney* objected to voting this address on the same night on which the resolutions were passed. There were gentlemen who would wish to be present whom he did not now see in their places. His own mind was made up to give it a negative, because he knew that it was not agreeable to the people of Ireland to accept of a union. Some parts, however, gave him peculiar satisfaction. The impediments to a parliamentary reform were removed, on the principle of its being an innovation: innovation was now admitted, by the change which the introduction of a certain number of members produced, and by the getting rid of the rotten boroughs. Whenever this subject came under consideration, it would be so strong as to carry conviction, and in an imperial parliament, could not surely be objected to.

Mr. *Pitt* said, that whenever that question came under discussion, he should feel himself under no necessity of admitting such a principle, from his approving of the union; because he approved of it from the necessity of such a measure. Though the hon. gentleman might persist in reform; yet it did not follow that he (Mr. Pitt) should have shut his eyes, for the last ten years, to some of the most memorable events that had ever happened in the world. He had learned to correct his former conjectural opinions by the events that had arisen; and no obloquy should hinder him from openly and manfully disavowing such opinions.

Mr. *Hobhouse* coincided in opinion with Mr. Tierney, who, he was sure, had always endeavoured to purify the representation of the people, from genuine patriotism. The cause of parliamentary reform would be greatly advanced by the union. The hackneyed topic of innovation could no longer be urged; for could there be a greater innovation than the destruction of the close boroughs, and a compensation allowed to the proprietors? Such a precedent was a main point gained by the friends to parliamentary reform.

Mr. *Jones* said, that this business was a death-warrant to the constitution—nothing more or less than the extinction of freedom—a negotiated sale of our liberties. If a minister could pass income bills now, what could he not do when 100 members were added to the patronage of the crown?

The motion was agreed to. A committee was appointed to draw up an address. It was afterwards reported, and agreed to; and the Address and Resolutions were, on the following day, communicated to the Lords at a conference.

Debate in the Lords on the King's Message respecting a Union with Ireland.]

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April 21. Lord Grenville moved, that the House do now resolve itself into a committee of the whole House upon tha King's Message, and upon the Address and Resolutions respecting a Union with Ireland [see p. 26].

Lord *Holland* said, that painful as it was to him to detain their lordships, by inducing a debate where it was evident no debate would have taken place unless he had risen to provoke one, still he could not avoid taking upon himself the unwelcome office of addressing their lordships even against their inclination. He assured them, however, he would not have put himself in so unpleasant a situation, if it were not that he rose to speak to the principle of the union. He did not mean to deny that the sister kingdom had long stood in a situation which required some means to be adopted to put it on a more eligible footing. He took the liberty, nevertheless, to contend, that the union was not the remedy adequate to the occasion, and that the good effects that would probably result from it forty or fifty years hence, as the parliament of Ireland were taught to expect, was not a proportionate price to satisfy that country for the immenseadvantages she was called upon to surrender at the present moment. To render the remedy applicable as a compensation for the purchase of so vast a bargain, present benefits equal in value ought to be immediately made over to Ireland. He was aware that the original pretext for the measure was the attempt made to separate both kingdoms. In that point of view it was a most serious consideration, whether the union would give a real increase of strength in that kingdom to government, or whether it would or would not conciliate the affections of the people of Ireland. They should consider what was most likely to give real strength to the empire at the present perilous moment, or what might endanger it; and in that view of the question he was decidedly of opinion that the union offered no remedy at all, whether he regarded it as operating on the great body of the disaffected in that country, on a majority of those who still wished well to the British constitution, or of the contending factions of Protestant and Catholic. The complaints of these different descriptions of persons were well known. Would the union secure the redress of them? For redress they were all promised; and it ought to be the principle, as well as the policy of ministers, to let all these persons have that which, by consenting to the union, they were to pay so great a price for. The great ground of complaint was, that English influence preponderated on every occasion to the prejudice of the interests of Ireland. Was the measure in question likely to increase or to remove that cause of complaint? There would be little difficulty in answering the question. Much reliance had been placed on the salutary effects that had resulted to Scotland from her union with Great Britain; but, without attempting to discuss whether the beneficial advantages of an increased commerce, an extended system of agriculture, and an enlarged scale of manufacture, had been derived by Scotland as an immediate consequence of her union, or had arisen gradually from other causes, it was sufficient to remark, that forty years had elapsed before the Scotch reaped any of the essential benefits which she now enjoyed. He must therefore maintain, that speculative ideas of distant advantages were but visionary and delusive prospects at best, and by no means to be set against the possession of invaluable rights, splendid honours, and the glory of independence. Besides, there was one prominent feature in favour of the Scotch union, which did not exist in the present instance. By an act of Parliament of that kingdom, a different prince might sit on its throne from him who filled the throne of England; or, to come nearer to the point, a king might reign in England who might not be the legal king of Scotland. That undoubtedly was a strong argument in favour of the supporters of the Scotch union; but such a pretext existed not in the present instance. With respect to Ireland, therefore, no such hypothetical case could be put; no such danger could be dreaded. However, in the subsequent attempts which were made through the side of Scotland at the throne of England, and to destroy its constitution, the partisans of the house of Stuart made the union an engine, and gave repeated promises, in the event of success, to abrogate the union, in order to conciliate the people of Scotland. It was said with truth, that one effect of the union would be to remove the legislature of Ireland from local prejudices; but what was the real English of such a position? It was no less than saying to the people of Ireland, "It is convenient for us to govern you, instead of permitting you to govern

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yourselves." His lordship next adverted to the solemn assurance which his majesty's ministers had given in both houses, that although in their judgments a union of both countries was most desirable, as the best means of consolidating the strength of the whole empire, yet that it should not be accepted unless it were the pure and spontaneous offer of the parliament of Ireland, uninfluenced by corruption or menace. He would however appeal to the feelings of individual lords as men, whether it was doubted by any, that corruption and intimidation had not been practised to obtain a majority in support of the measure in both Houses of the Irish parliament? Were ever such changes of members in the gross seen but on a dissolution of a parliament, as in the course of the last eight months? Had not magistrates, juries, and all congregate bodies in Ireland been tampered with? And, after all, what was the vast majority by which the measure of union was carried on the other side of the water? Forty! After all the arts of corruption, and all the menaces of power that had been resorted to, the minority had only lost two or three of its numbers. Would any man deny, that the minority of the House of Commons in Dublin spoke the sense of the people of Ireland, and that the sense of the great majority of the people of Ireland was decidedly against the measure? It might be called Jacobinical in him to talk of appealing to the people against the sense of parliament. He would not then argue that point, but content himself with observing, that such a charge would come with an ill grace from the supporters of a minister, who owed his accession to power to an appeal to the people against the decided sense of the House of Commons. The prejudices of the Irish Protestants and Catholics had been played upon, and both had been taught to expect a full gratification of all their wishes, provided a union took place. But why was a union necessary for that purpose? Might not the Irish parliament administer all that was desired, without merging into the British senate? That the sending 100 members from Ireland into the House of Commons, and 32 Irish peers into that House, was a direct infringement of the British constitution, and would add considerably to the influence of the Crown, could any man who had resisted all attempts at parliamentary reform from the dread of innovation, pretend to deny; and with what decency could persons of that description refuse a parliamentary reform to the people of England any longer? It had been argued that the members of the Irish parliament were not capable of conducting the affairs of that kingdom; that they were so open to corruption, that they were not fit to be trusted with the management of the rights and properties of their fellow countrymen. Far was it from him, to hold up either description as the true description of the members of the Irish parliament. But looking at the description he had heard given of them as a matter of argument, in either light, what advantage could the British parliament derive from the infusion of a number of members of such a sort? If they were incapable of conducting the affairs of a kingdom; if they were open to corruption, would they not strengthen the hands of the crown against the interests of the people, and become the ready tools of ministers, to assist them in any designs they might hereafter wish to practise against the constitution?—All these evils which the union would necessarily bring upon Ireland, would, it was said, be more than compensated by the influx of commerce into the country, and the tranquillization of the long opposed factions of Protestant and Catholic, the latter of whose grievances it seemed were to be redressed. He had his doubts whether such commercial benefits would ever arise; but he was certain that a long interval must elapse before Ireland could reap any benefit; whereas the evils she must experience were immediate and pressing. On the whole, he viewed the measure of union as one replete with dangers.

Lord *Grenville* expressed his surprise at being called on that day to support the general principle of a question which had been repeatedly recognised by both Houses of Parliament. With regard to corruption and menace having been practised, the fair way would have been to have brought proof of either, if such could have been obtained. With respect to the sense of the people of Ireland, he knew not how that sense was to be constitutionally obtained but through the medium of the parliament of Ireland through that medium it had been conveyed to this country; and he solemnly declared he believed the people of Ireland had spoken their real sentiments respecting the proposed union, through their constitutional organ. With regard to the danger

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that was held out by the noble lord as likely to result to the British constitution, he saw no such danger, nor did he believe that the infusion of a certain number of members from Ireland into our House of Commons, or of 32 Irish peers into that House, would tend to strengthen the hands of the crown against the rights and privileges of the people, or enable ministers to exercise a greater share of undue influence. These 32 peers would hold their seats by the same tenure that their lordships now did, viz. for life. The precedent of the union with Scotland had been as closely followed as the nature of the two cases would admit. In respect to the benefits to result to Ireland from a union, not being likely to take place immediately, the noble lord had viewed the subject in a very narrow and unstatesmanlike light indeed, when he regarded it on so contracted a scale. In looking at a matter of such magnitude as the legislative union of two great countries, an enlightened politician, would consider it in two distinct points of view; the one, the immediate necessity that imperiously demanded it; the other, the general benefit that would gradually and ultimately be secured from it to the two countries so united as an entire empire. With respect to the Catholic question, from the very first day the business was discussed, to the present moment, no such idea was ever heard of, as that thrown out by the noble lord; but all persons seemed to agree, whatever difference of opinion there might exist respecting the measure in other points of view, that the Catholic claims could be best discussed and settled by an imperial parliament, and that without the least inconvenience or cause of uneasiness to the people of Ireland. In a united parliament no danger was to be apprehended from their numbers, in that they would form but a very small minority. The noble lord had exultingly said, that as the union of the two legislatures was a direct innovation of the constitution of Great Britain, those who had hitherto opposed a parliamentary reform could no longer resist the measure. Nothing could be more easy than the answer to this burst of exultation: the infusion of a certain portion of members from Ireland into the British constitution, was a measure of indispensable necessity, as a main ingredient in the constitution of a legislative union of the two countries; but it was sufficiently guarded by their being members from Ireland. With respect to a reform in the representation of the people, he had uniformly opposed it on the grounds of its dangerous and destructive tendency, and its vital hostility to the genuine principles of the British constitution. The present frame of parliament, as experience had fully proved, was perfectly adequate to all its purposes. The present frame of the House of Commons was the great bulwark of the constitution; if once overturned, no means would exist to resist the torrent of anarchy and Jacobinism; if the French revolution had found us in the moment of reform, what might not have been the consequences? So attached was he to the present frame of parliament, and so fully convinced of its political perfection, as far as in the nature of things could be expected, that if he ever felt the least objection to the measure of union, it was on the ground of its unavoidably introducing an alteration, however slight, in the frame of parliament. If it was true, that the relative situation of both kingdoms was such that they must stand or fall together, then he was convinced a union was absolutely necessary, as the only means left to secure the connexion, and render it indissoluble.

The House divided: Contents; 82. Not-Contents 3. The Not Contents were the earl of Derby, and lords Holland and King. The House then went into the Committee. The three first Resolutions were agreed to.

April 25. The House having again resolved itself into a Committee, the consideration of the 4th, 5th, and 6th Resolution was postponed. The 7th Resolution being read, a long conversation took place on its several clauses, after which, the Resolution was agreed to.

April 28. The House went again into the Committee, when

Lord *Grenville* rose to move the fourth Resolution. His lordship said, that it necessarily arose from the nature of the case, that in uniting the legislatures of the two kingdoms, a certain portion of Irish members should be infused into the British House of Commons; that 100 had been the number fixed on, and those apportioned, as stated in the Resolution, viz. two for each county of Ireland, two for the city of Dublin, two for the city of Cork, one for the university of Trinity

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college, and one for each of the thirty-one most considerable towns and boroughs. In forming and appreciating this quota, they had referred to the union with Scotland, but in the present instance the number of members was proportionably greater, because Ireland had peculiar pretensions to indulgence and allowance, since she was called upon to give up her separate legislature. With regard to the 28 lords temporal of Ireland, who were proposed to have seats in that House they were to hold their seats by the same tenure with their lordships, viz. for life, and as it was intended that they should be chosen by the members of their own body there could be little doubt, but that those noble lords who were most distinguished by their talents and were best acquainted with the political interests of their country, would be the persons returned to sit in that House, and as all the peers of Ireland individually were equally entitled to be chosen from that body to make up the 28, the investing them with their seats for life would prevent the monstrous anomaly in our constitution of their being one day representatives among the Commons of the united parliament, and the preceding day peers of parliament. By continuing them for life, there would be no room for that cabal and intrigue which might otherwise be inseparable from frequent elections. Having gone through all the propositions in the resolution, his lordship concluded with moving, that the said Resolution should form one of the articles of union.

Lord *Mulgrave* objected to that part of the resolution which related to the peers of Ireland being permitted to sit in the House of Commons of the united parliament deprived of the privilege of peerage, and liable to be proceeded against as commoners for any offence with which they might be charged. This part his lordship reprobated in the strongest terms, as calculated to create infinite confusion, by blending peers of the realm with commoners, at once vitiating the blood of the nobility, and degrading those of high birth from their rank in society. In those few words of the resolution were couched much mischief. He should esteem himself unworthy of his rank and privileges, and ungrateful for the favours of the crown, if he did not oppose a scheme that went to the degradation of the peerage. Could any thing be more monstrous than to see a peer one day bringing down bills to that bar from the House of Commons, and the next day sitting and taking a part in the deliberations of their lordships? The provision, in some respects, was even futile, as an Irish peer had only to resign his other privileges, in order to become a commoner, and resign his seat in the House of Commons, to become a candidate for the peerage. What could be more preposterous than to see a peer of the kingdom sitting as the representative of the Commons? The peers, were a distinct body, placed in the middle class between the people and the crown; and yet here was a preposterous proposition to place a number of their body on a level with the Commons. If the nobleman of highest rank in Ireland, for instance, the duke of Leinster, should happen to be a member of the House of Commons of the united kingdom, and should be sent up as a manager of an impeachment to that bar with a message, what sort of decorum would there be in seeing a nobleman decorated with all the insignia of the most exalted rank, stand at their bar a messenger, when, perhaps, there was sitting among their lordships the junior and last created baron of Ireland? In support of his argument the noble lord quoted Blackstone vol. 1, ch, 2, s. 2, and vol. 4, ch. 19. Even so early as 1628, the House of Lords, feeling a proper jealousy on the subject, presented a petition* to Charles 1st on account of his having created one of their members (Cary, lord Falkland) a peer of Scotland. It was true that nothing was done upon that petition, the king wisely answering, "That the matter was of weighty consequence; and as their lordships had sat some days to prepare the same, so he would take some time to consider of an answer to it." The noble lord then moved, "That the following words be omitted: 'that so long as such Peer of Ireland shall so continue to be a member of the House of Commons, he shall not be entitled to the privilege of Peerage, nor be capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against and tried as a Commoner for any offence with which he may be charged.'"

The *Lord Chancellor* was a good deal surprised at what had fallen from the noble lord, whose whole discourse seemed

* See Vol. 2, p. 438.

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rather calculated for an address to an assembly of French, or German noblesse, than a British House of Peers. Did any of their lordships, at any time of their lives, estimate so highly their nobility of blood, as to think it all vitiated by their mixing as legislators with the gentry of England? The noble lord had said, that it would be a degrading thing to see an Irish peer of the first rank come to that bar as a member of the House of Commons decorated with ribbons, whilst the youngest Irish baron sat among their lordships. He saw nothing degrading in it, and it had fallen to his lot, when the junior baron of that House, to walk down to the bar to receive messages from the eldest son of the premier duke of England, and from Irish peers of higher rank than himself, but he never felt any embarrassment in so doing. The noble lord had said that the eldest sons of peers had no relation to the peerage. Was the noble lord to learn that the eldest son of a peer was an heir expectant of his father's title, as near a relation to the peerage as could possibly be imagined, and yet, did the eldest son of a duke think himself degraded by sitting in the House of Commons? What then was there in the superior nobility of blood of Irish peers, that they should feel more degraded by being members of the House of Commons than the eldest sons of British nobility of the highest rank? The noble lord had mentioned the case of lord Falkland; but though the Commons had petitioned, yet it was notorious that lord Falkland continued to sit. Nor was he the single instance of a Scotch peer having a seat in the other House; lord Dunbar, lord Fairfax, and several other Scotch peers, had sat in the House of Commons. He should therefore vote for the resolution as it stood at present.

After some further debate, the Committee divided on lord Mulgrave's Amendment: Contents, 9; Not-Contents, 52. The Resolution was then agreed to.

April 30. The order of the day being read,

Lord *Holland* rose to make his promised motion upon the disqualifications under which the Roman Catholics laboured. The question of union pressed this subject strongly upon their attention. In viewing it, he thought it should be considered both as it affected the Roman Catholics in this country and those in Ireland. The policy which dictated the abrogation of the disabilities under which they laboured in each country was different. In as far as the Roman Catholics of this country were concerned, it was a matter of justice that they should be restored to privileges of which they had been so long deprived. In as far as the Irish Catholics were concerned, the abolition of the disabilities, was a measure essential to the tranquillity of the sister kingdom. The motion he was about to make, was for an instruction to the Committee to consider of the disabilities under which Roman Catholics labour, in consequence of two acts of parliament, of Charles 2nd and William and Mary. The object of the instruction was, to remove those disabilities; the effect of which would be, to place the Roman Catholics of both countries on a footing with regard to political rights: The noble lord then adverted to the situation of the Roman Catholics in this country. There were many acts respecting that body of men that partook of the violence and prejudice of the times in which they were passed. The most sanguinary of them, however, had not directly excluded Roman Catholics from being members of the two Houses of Parliament. The policy which excluded them from parliament considered them not so much as Roman Catholics, but as a faction hostile to the established government, in church and state. The oath of supremacy, in the case of Roman Catholics, was made to involve, not merely the renunciation of any temporal authority of the pope, but questions of faith which had no connexion with that object. If it was objected, that the Roman Catholics held opinions hostile to government, in acknowledging the temporal authority of the pope in civil concerns, it might be answered, that in fact the very position which was imputed to the Roman Catholics as most dangerous, had been disclaimed in the practice of many Catholic countries. In this country it was proved, by many acts of parliament, that previous to the Reformation the temporal authority of the pope had been denied, and that it was thought criminal to acknowledge such a right. It appeared, therefore, that the sentiments of the Roman Catholics upon this point were perfectly consistent with the oath of supremacy, in so far as they were not subjected to be questioned by it on articles of belief. By an act of his present majesty's reign, however, several of the hardships to which the Catholics had been

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exposed, were done away, and they were entitled to hold property on renouncing the supremacy of the pope, an oath which he believed not twelve Catholics in England would now refuse. But it was unnecessary to show that the sentiments of the Catholics respecting the power of the pope were at the present moment of very little importance. What danger could be apprehended from the pretensions of a bishop of Rome, whose authority was now so greatly circumscribed; and who, since his election to the papal chair, had not been able to obtain possession of the temporal dominions which remain to the Church? With respect to the English Catholics, there could be little objection to restoring to them the right of sitting in either House of Parliament. Whatever policy might have dictated their exclusion in former times, the same causes did not now exist. The disability under which they laboured was a stigma that had continued too long, and could not be too speedily removed. The justice and policy of such a measure were so evident, that he would not waste their lordships time in illustrating the argument. With respect to Ireland, the same justice and liberality not only called for the abrogation of the disabilities; but it was absolutely necessary to the tranquillity of the country. A great authority had lately stated, that whatever benefits the union was calculated to produce, their being realised would depend upon the peace and tranquillity of Ireland. If this position was just, there could not be a stronger inducement to the adoption of the measure he had in view. The emancipation of the Catholics was a measure absolutely necessary to tranquillize men's minds in Ireland, and prepare the way for the attainment of those benefits which were expected from the union. The Catholics were computed to form two-thirds of the population of Ireland; and it surely was a matter of the utmost importance to consider how these men were to be reconciled to the measure. With a view to general utility, it was necessary that this immense body should be admitted to the enjoyment of their political rights. He had the authority of the friends of the union for saying, that a state of things where so many men were excluded from the exercise of the most important political rights, was a solecism in government, and productive of the greatest mischiefs. But it might be said, that much had been done to conciliate the people of Ireland. How and when these concessions had been made for that purpose he should not now inquire. Some of the warm supporters of the union had been the enemies of these concessions. Now, however, that the Catholics were restored to their elective franchises, he saw no reason why they should not likewise be rendered capable of sitting in parliament. It was often said, that the great body of the Catholics was of the lower class, and were not affected by the exclusion from parliament. Those who reasoned so had but little idea how deeply men might be affected by an insult. Though they might not feel the actual operation of the law, they were wounded by the degradation to which their whole body was exposed. This rankled in their minds, and was often of more fatal tendency than a substantial injury. But perhaps it would be said, though ministers did not disapprove of the measure in itself, the time was not favourable to it, and that it ought not to be immediately connected with the union. On the contrary, he thought, that to render the union more acceptable, to reconcile so many of the people of Ireland to it, was one of the chief recommendations of his motion. Though he considered the policy of the union doubtful, and some of its provisions, particularly with regard to representation, alarming innovations, yet if he thought that the emancipation of the Catholics was to accompany the union, it would soften much of his hostility to the project. It was an object of the highest importance to strengthen his majesty's government by conciliating the affections of all his subjects. But it might be said, it would be better to wait. He, on the contrary, thought that the present was the moment to remove all the doubts which the Catholics might entertain, and to render them friendly to the measure, by showing them the advantages they would gain. It might be said that the parliament of Ireland would not agree to the union if the restoration of the Catholics to their rights were connected with it, and that it might be granted by the united parliament. Not to mention, however, that the same influence against the measure would afterwards continue, that was a disingenuous mode of proceeding. The Catholics could now have no security that any thing would be done in their favour, and they would naturally be inclined to doubt. This question was compared to that of the heritable jurisdictions.

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in Scotland, which, though expressly guarded by the articles of union, were afterwards abolished. What was there, then, in that example encouraging to the Catholics of Ireland? The abolition of the heritable jurisdiction did not take place till forty years after the union, and in direct violation of it. The only way, therefore, to give the Catholics of Ireland a direct interest in the union was, to hold out to them a certain advantage, and it was at the same time the only means of securing that tranquillity which was admitted to be essential to the success of the measure of a union. His lordship then moved, "That the Committee of the whole House, to whom it is referred to take into consideration his majesty's Message, respecting the propositions from Ireland, be instructed to take into their consideration so much of two Acts, one passed in the 30th year of Chas. 2nd, intituled 'An Act for the more effectual Pre-'serving the King's Person and Govern-'ment, by disabling Papists from sitting 'in either House of Parliament,' and the other passed in 1st William and Mary, intituled 'An Act for removing and pre-'venting all Questions and Disputes con-'cerning the assembling and sitting of the 'present Parliament,' as excludes persons professing the religion of the Church of Rome, from sitting in either House of Parliament."

Lord *Boringdon* deprecated the entering into any debate upon a question of such magnitude, which the wisdom and good sense of the legislature of Ireland had forborne to interfere with, and which, from the silence hitherto observed respecting it, he had hoped would have been suffered to remain undisturbed, while the two Houses were engaged in discussing the propositions. No small part of his approbation of the measure arose from a consideration that the union when effected would afford a salutary opportunity for the discussion not only of the subject to which this motion went, but of all other questions of a delicate nature, which could not be agitated with equal safety, temper, and caution, in an Irish, or even in a British house of parliament, as they could be in an united imperial parliament, the members of which would have the benefit of all the local knowledge of the representatives of Ireland. For these reasons he would move the previous question.

The Marquis of *Lansdown* said, that having been prevented by ill health from taking part in the various discussions in which their lordships had lately been engaged, he hoped to be indulged in saying a few words upon the subject at large. He had in the course of the last session pretty strongly intimated his opinion in favour of the proposed union. Having considered it more and more since that time, he had not changed a single ray of his sentiments on the subject. He stood up then to avow himself a firm friend to the measure, because he was convinced that it was founded in the truest political wisdom, and conducted in a manner at once liberal and fair to Ireland as well as judicious and just in respect to this country. He highly applauded the weight that was given in the scale of representation to the counties of Ireland, as that was the surest means of having intelligent and independent men, men of local knowledge, and deeply skilled in the interests of Ireland, sent over to the united parliament. The only blemish that was, in his mind at all discernible in the union, was, in respect to some of the great towns. For instance, in the midst of the populous town of Belfast, consisting of 25,000 inhabitants, there was a petty borough, consisting of twelve persons only, and that the property of an individual. It was, in the plainest sense of the words, a rotten borough: because so long as it remained private property, it was natural to expect that a brother, a cousin or some dependent, would be chosen the representative, instead of a well informed merchant capable of assisting in the framing of such measures as might be most advantageous to the commerce of the north of Ireland. This, however, was a little blemish which he hoped would in time be done away, and then the union would remain a brilliant sun, without a single spot to deface or deform it. While the states on the continent were aiming at aggrandizement, it behoved us to concentrate the strength of the British empire, and unite its parts. No man could look on a map without seeing how advisable it was that Great Britain and Ireland should consolidate their strength. The one island was a security to the eastern coast of the other; the other island a security to the western coast of the former. If it had pleased Providence to have made a continent of Great Britain and Ireland, how desirable would it have been that the two should have been separate, and a navigation cut between them; The Irish sea, therefore, was to be consi-

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dered as a glorious navigation, well fitted for assisting the commerce and adding to the wealth of both kingdoms. The marquis said he had only heard of two objections made to the union, that had any weight whatever, the most material of them was that it was against the sense of the people of Ireland; the other, that which was brought forward by the woolstaplers. Upon mature reflection, however, he was convinced that they had no cause for alarm at the proposed union. In answer to the objection, that the sense of the Irish nation was against the union, sure he was that the majority of the people of property in that country were strongly in favour of it; and it was the parliament of Ireland, the representatives of the property of the country to which we must look up for the sense of the people, and not consider the population numerically, nor look to petitions or subscriptions. Indeed, there was scarcely one of their lordships so young as not to know how easy it was to obtain petitions and numerous subscriptions on almost every occasion. He recollected, in the year 1767, when he was secretary of state, on coming down rather late to that House, he was told, that a petition, with a numerous list of subscribers, had been just presented, the prayer of which was, that he might be impeached. He was told it came from the Royal Exchange, and being desirous to see who were the subscribers, he took it up, when the very first name he cast his eye upon, was that of one of his particular friends, an alderman of London. The next day the alderman called on him, when he told him he did not expect to see him again in his house. The alderman (sir William Stephenson) stared, and asked him, why so? His lordship explained that he had seen his name to a petition, desiring that he might be impeached; when the alderman replied with indifference, "Oh, aye I did sign a petition at the Royal Exchange, which they told me was for the impeachment of a minister; I always sign a petition to impeach a minister, and I recollect that as soon as I had subscribed it, twenty more put their names to it." Their lordships therefore would judge what weight was to be given to subscriptions. Not at the same time, that he meant to undervalue the population of the country. It was the bulk of the people who were in effect, the active force of every country, and especially so of Ireland: but in general they were not sufficiently well informed to know the political interests of the country. Even if a proposal were made to open the port of London, on condition of the city's giving up the lord mayor's gilt coach, and the dinners at Guildhall, he verily believed some of the citizens would stick to the syllabubs and their Guildhall dinners and gilt coach, rather than consent to part with them as a condition to have the port of London opened for the importation of the merchandise of Dantzic, Embden, and all the rich ports and cities of the continent. As to the notion that this alteration of the legislature would increase the influence of the crown, he entertained no such idea; it was a mere pin, compared to the influence created by the East and West Indies. Besides the alterations which ought to be made in the borough representation of Ireland, he would recommend that proposed by the motion of his noble friend. It was proper to hold out, in the first instance, every thing that could reconcile the people of Ireland to the union; every thing that could manifest the sincerity of government in its wishes for their prosperity; and all this should be done without waiting for the imperial parliament. With respect to what had been absurdly called Catholic emancipation, the matter was merely fanciful, this country having nothing to concede as they had already restored the Catholics to the free exercise of their franchises, and what little remained to be done he hoped would be done liberally. But perhaps the union did not go far enough; the Catholics should be set at rest; and there was another grievance that called loudly for redress. The whole produce of the tythes of Ireland did not amount to more than 200,000*l*. In God's name abolish them, and lay it upon the landlord; any where else, than on the poor occupant! Let the clergy have as much more as you will, but in some other way. The lower orders of occupants in Ireland, had nothing but their paltry bed of potatoes; and even that they were harassed by proctor after proctor after proctor to pay tythes for. The true interest of Ireland required, that the landlord and the tenant should come together, and that the middle man should be wholly done away. He had promised his peasantry in the South-west of Ireland, that he would never let pass an opportunity of enforcing the abolition of tythes, and he was determined to keep his word. He was an enemy to Jacobinism; not in the hackneyed sense in which the word was applied, but as confounding property

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and population. It was, however, high time that something should be done to alleviate the miseries of the bare footed, half-starved peasants of Ireland. In many parts, thousands of acres of land were appropriated to pasture, by persons whose rapacity was so great, that they would hardly allow a poor peasant a single acre for a potatoe garden: nay, they dealt out the miserable scraps of land by ounces and half ounces. His lordship expressed his earnest wish that government might go as far as possible in acts of conciliation and liberality towards the people of Ireland; and he would make it is business, as often as an opportunity was afforded him, to tell them that their security, their prosperity, and their happiness depended on a close and friendly connexion with Great Britain.

The Earl of *Liverpool* said, that the motion related to a subject which involved a complexity of considerations and interests. It ought, therefore, not to be introduced collaterally, but to be met directly, with the aid of the various information that might be expected from the imperial parliament. The two acts to which the noble mover had alluded, were the main foundation upon which rested the present establishment in church and state. As to the legislative union, far from being liable to the objection often urged against it, that it would increase the influence of the crown, it was calculated to check that influence, and to lean to an increase of popular influence, by the manner in which the Irish representatives were to be chosen.

Earl *Fitzwilliam* said, that as the question now stood, it could only give room for uncertain and anxious conjecture, without affording the least ground of satisfaction to the minds of the Irish Roman Catholics. In every thing that was connected with the measure of a union, their lordships should proceed in the spirit of peace, and conciliation, and that this spirit should manifest itself in a due regard to all the classes of the community. He must beg leave to differ from a noble earl respecting the nature of the two acts, upon which that noble earl conceived the present establishment to rest. It could never be intended that these acts were to remain in force for ever, without any regard to the changes in opinion and conduct which time and emergencies might produce. They were framed against a particular description of persons which now ceased to exist: they were directed against superstition, bigotry, and disloyalty, and therefore should not affect the well meaning and loyal Catholic of the present day. It was proper, therefore, that some declaration should be made on which the Catholics of the latter character might depend, and it was his sincere wish that this declaration might be made in the most open, fair, explicit and candid manner possible. Without such a declaration, he could not see how it was possible to secure the cordial acquiescence of the Irish Catholics in the proposed union.

Lord *Mulgrave* thought the question could be entertained with propriety only in the imperial parliament. It was unseemly to agitate it at present, when the Irish parliament, who were so deeply interested in its decision, had no opportunity of expressing their opinion. Much better information could surely be gathered from the whole of the Irish members in the united parliament, than from a few lords at present, who might be interested in the view they took of the question.

Lord *Hobart* said, that if the Irish Catholics had been anxious to stir the present question, they had advocates in the Irish parliament who might have brought forward their claims. It had often been insinuated that government had held out promises and expectations to both parties in order to gain the acquiescence of both in the proposed union. That to the Catholics they had given to understand that their interests would be better consulted in the imperial parliament, while at the same time the Protestants were assured that their interests should in no manner be encroached upon. Had any promises of this nature been held out to the Catholics, they could not escape his (lord H's) knowledge, and it was to remove this suspicion of duplicity or insincerity in the conduct of ministers that he had risen. They had made use of no lure towards either party: and if at any future time a question in favour of the Catholics was agitated it would not be in compliance with their claims of right, but merely as matter of indulgence.

The Earl of *Moira* entered into a vindication of the consistency of his conduct, which, he said, could not be accused of inconsistency, though he voted by proxy against the union in the Irish house of peers, while he had since withdrawn his opposition to it in the British House. The measure appeared to him to be libe-

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ral in almost all its details, and he made no doubt but it was entered on by ministers for the good of both countries, and for the general prosperity of the empire. It was his wish that the opinion of the people had been ascertained upon a broader basis; and that something more distinct had been held out to the Roman Catholics. It was because the opinion of the people had not been fairly collected at county meetings, that he had opposed the measure in the Irish parliament. As to the present motion, he was sincerely anxious that his noble friend should withdraw it—not that he was sorry the question had been discussed, for the liberal manner in which it was treated by those who opposed it, must afford a pleasing prospect to the Irish Catholics of what they might expect from the liberal disposition of the British parliament, but that he felt some disagreeable effects might result from pressing the question to a division.

The previous question was put and carried.

May 7. The resolutions being reported to the House, were this day taken into consideration. The 1st, 2nd and 3rd resolutions were read and agreed to. In the fourth, lord Grenville moved several alterations, and when the House came to the proposition: "That any person holding any peerage in Ireland, now existing, or hereafter to be created, shall not thereby be disqualified from being elected to serve for any county, city, or borough of Great Britain, in the House of Commons of the united kingdom, unless he shall have been previously elected as above, to sit in the House of Lords of the united kingdom; but that so long as such peer of Ireland shall so continue to be a member of the House of Commons, he shall not be entitled to the privilege of peerage, nor be capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against, and tried as a commoner for any offence with which he may be charged,"

The Earl of *Carnarvon* said, that he could not help, in this last stage of the proceedings, endeavouring to call their lordships' attention, to the fatal consequences of a legislative union founded on the basis of the fourth article. I was willing (said the noble earl) to hope that an union advantageous to both countries, and particularly to Ireland, would (as it easily might) have been established, if nothing had been sought in this union but the joint interests of both countries: I was willing to shut my mind to apprehensions (though certainly of an alarming nature) for the trade of Great Britain, the diminution or transfer of which, our enormous separate debt could not well bear; and I was prepared to welcome a union with Ireland on the wise principles of the Scotch union, corrected as it seemed to be intended, by peers elected for life, and not exposed to apprehensions for their future elections, influenced by the crown. But, my lords, I do not feel myself disposed to purchase this union, desirable as it may be, at so great an expense of the constitution, as will be produced by the resolutions in their present form. The interest of England, Scotland, and Ireland, required that the principles on which the Scotch union was framed, should in every other point (except the periods of election) be followed: but the united interests of the three nations have not had sufficient weight to counterbalance the secret motives which have operated to the subversion of the constitution on most essential points, under the mask of a necessity which does not exist; and under the pretence of conciliating Irish interests, which are clearly repugnant to the means employed. It is obviously not the interest of the people, nor of the component parts of the legislature of either country, that the ancient barriers which secured the liberties of the people should be thrown down; or that the distinctions between the several parts of the legislature should be confounded. It cannot be individually the interest of the Irish peer, that the body of Irish peers should be perpetuated by subsequent creations, for the sole purpose of preventing the honours of his posterity ever merging completely into the British peerage, with an hereditary seat in the legislature. It can never be his interest, or the interest of Ireland at large, that subsequent creations (which will probably fall more on English favourites than on native Irish residents) should transfer the elections from the original Irish peerage to their numerous English colleagues of subsequent creation. The beautiful structure of our constitution will become an inexplicable mass of incongruities, an impolitic confusion of all orders, ranks, and interests: no prin-

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ciple upon which our limited monarchy has turned for ages will be delivered down to our posterity as we received it from our ancestors. The commonalty of Great Britain will no longer be represented solely by delegates from their own body: peers of Ireland will sit in the House of Commons with Irish commoners, partaking of the same privileges and of different interests; and, as British peers, will represent British boroughs. There will no longer be an hereditary peerage assembled with the baronical heads of the church, as a fit counterpoise to the elective and fluctuating body of the Commons. This new system establishes for ever (not for a time, as in the Scotch union) an elective body of peers, in a House whose constitutional principle is that of being an hereditary and permanent barrier between the crown, and the sudden impulse of popular and elective prejudices. The very deviation from the Scotch union, by an election for life, instead of a shorter period, which is more consonant to elective principles, is an admission by the framers of the present union, that an elective principle was incongruous to the true spirit, and genuine constitutional purpose of the House of Peers; but this seeming respect for ancient and approved principles is only the flowery decoration of the victim for the altar where it is to perish. This elective principle, admitted with such apparent caution, is intended, without the slightest grounds of public utility, to be for ever grafted on an hereditary stock, and there perpetually to disown its unity with the tree in which it is incorporated, by bearing different fruits. Continued creation of Irish peers is to take place after the extinction of a separate Irish legislature, for the sole purpose of being represented in the united legislature, and of keeping alive the disunion of the two countries by inextinguishable marks of their former separate interests; thus will the two branches of the legislature lose the distinct principles of their existence, which have hitherto preserved within fixed bounds their respective energies, as a constitutional balance between the several orders of the state: this subversion of all distinct interests is not necessary to the union, if any necessity could justify it, and it can have no motive, unless there exists a secret wish to destroy the force and protecting energy of the constitution against the increasing power of the crown. The liberties of the country may be safe in the virtues of the prince on the throne; but if the union shall take place on the proposed plan, we shall no longer derive our security from the strong and peculiar virtues of our constitution. These principles we have been taught to consider as fundamentally inherent in the constitution; we have been taught to consider them as our birthright; we have read with enthusiasm the struggles of our ancestors to maintain unviolated a government limited by three distinct orders of the state, from the time of the Magna Charta till this moment, when parliament is called upon by his majesty's ministers to surrender it. I have heard much of the omnipotence of parliament; I respect and venerate its power, from whence our security is derived; its limits, if it has any, should not be made the topic of discussion, because it is of difficult and dangerous definition; but this attempt will force the inquiry: it is not easy to support the affirmative or the negative, as a universal proposition in an assertion, that parliament is competent to make any change whatever in the constitution; I cannot deny that many important changes may be made, and that such power is of the essence of parliament, without which it would be nugatory; but I am not ready to admit as a corollary, that there is no irremoveable basis on which the liberties of this country are fundamentally fixed beyond the reach of the delegated power of parliament. I can, however, boldly affirm, that there is no existing power which can, by its legal authority, extirpate the fundamental principles of three distinct orders of the state, which may not by the same legal authority, and under the same influence, surrender the whole existence of both branches of the legislature, and the liberties of the people, at the foot of the throne. I have never been a friend to speculative reforms, by which the ancient frame and texture of the constitution would be changed; too much good has been derived from it, to incline me to expose it to the danger of new theories and fanciful experiments. The framers of this new system have been at different times, and in different situations, promoters and enemies of a parliamentary reform. They find it difficult to reconcile their opinions on the present subject with their latest doctrine, but consistency is not a parliamentary virtue, and opinions ought to give way to subsequent expe-

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rience; yet it is somewhat difficult to hold opposite doctrines at the same moment, and to maintain that parliamentary reform is both right and wrong. If parliamentary reform be dangerous, this new system must be so, for it certainly goes far beyond the most incoherent dream, or wildest frenzy of the most enthusiastic reformer. The mixture and confusion of all orders of the state, is an avowal of the principles of Jacobinical reform, and will enable the enemies of our form of government to argue from the present change, an admission that a distinct hereditary branch is not essential to the freedom of the country, and encourage them to force the new doctrine into complete effect, by abolishing all hereditary distinctions as invidious, and declared useless by the present reform, and substitute one popular assembly, elected from all classes of the community, reduced to one state of equality; how long monarchy will survive such change time may show; but it may be reasonably doubted whether a monarchy can be limited by, or exist with one popular elective assembly, unbalanced by another of hereditary aristocratic interests. The collision of powers and interests so widely distinct as monarchical and popular, will probably soon produce the destruction of one or the other. The crown has never been more powerful than since the period of the Revolution, when the present constitution was with jealous care revived and confirmed, and the encroaching prerogatives of the monarch reduced within legal bounds. The love and affection of the people for their limited government increased with its augmented value; and they have reposed in confidence on the powerful security derived from our constitution, and looked to the crown as an object of affection, no longer of fear and jealousy: all that tends to weaken their attachment and reliance on this security must revive their jealousy and diminish the real power and security of the crown. The indifference marked at this time to the constitution of the country, which is openly treated as an old prejudice or the idle dream of a visionary brain, will soon place us in such a distempered and irritable state, that nothing but a dangerous and hazardous fever will extricate us: ages of trouble may succeed the age we live in, to force the recovery of our mortgaged security, which has for the last century cemented the interest of the crown and people. His lordship concluded with moving to leave out the whole of the proposition.

The Earl of *Kinnoul* spoke in the warmest terms of the measure of an union, generally considered. He had not the smallest doubt but that it would prove a source of the greatest advantage to both countries, by consolidating the strength of the empire. He gratefully acknowledged the increased prosperity which Scotland had enjoyed in consequence of the union, but he thought the suffering the peers of Ireland once chosen to sit in that House, to hold their seats for life, a great improvement over that part of the union of Scotland, by which the Scotch peers were only to sit for a temporary period, and to go back at the end of each parliament to a new election. The question under consideration certainly appeared to him to be a violent infringement of the constitution.

The Earl of *Romney* said, he had in the committee divided for the resolution as it stood, but from what he had that day heard, he really thought the danger to the constitution so great, that unless his noble relation would assure him that the parliament of Ireland deemed the proposition absolutely necessary, and would not agree to the union without it stood a part of the article, he was inclined to vote for the amendment.

Lord *Grenville* said, that, in the formation of so great a measure as the union, it was impossible to proceed a single step without trenching upon the constitution; that scarcely any legislative measure could be accomplished without in some degree violating the constitution; however, the true policy was, to violate it in no greater extent than absolute necessity required. In the present case, the union with Scotland was the precedent studiously held in view; but were that measure now to be brought about, with how much greater force, might not his noble relation exclaim against the violation of the constitution, which that union involved! By the union of Scotland, the hereditary peerage of that house was broke in upon, and an elective and representative peerage introduced and mixed with them; and yet all the great statesmen who carried that measure into effect thought it the most expedient means of putting it in execution. In the proposed union with Ireland, that error was corrected, because the 28 peers of Ireland, once elected from among their own body, were to hold their seats,

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by the same tenure as their lordships did, viz. for their lives. With regard to the English gentlemen who had been favoured by his majesty with the honour of an Irish peerage, in proportion as the situation of the peers of Ireland who were to sit in that House by election, was improved, and rendered preferable to that of the Scotch peers, so was the situation of the English-Irish peers deteriorated; because the English-Irish peers stood no chance of being elected to represent the peerage of Ireland; and it would be hard to exclude them from all exercise of legislative functions. With this view it was that they were to be suffered to remain capable of election to the House of Commons as they were at present; nor could he see, how their being continued to sit in that House was more likely to prove dangerous to the constitution, or give it more weight of peerage than had as yet been the case. With regard to confusion that it was imagined would ensue from letting peers of the realm sit in the House of Commons, such apprehensions might have applied if the peers of Ireland were to sit there, and still exercise the rights of peers, as had been the case in France, when the Tiers Etats assembled, which was made up of a motley mixture of individuals holding and exercising different rights and different privileges; but in the present proposition provision was made to guard against the danger of such an unnatural and heterogeneous assembly of roturiers and noblesse; since those Irish peers who were to sit in the House of Commons, if chosen by British constituents, were to sit there as commoners, and to exercise only the capacity of commoners during their holding seats in that House. He wished every noble lord, therefore, who felt the same objection as had been started by his noble relation, would bear in mind, that it became indispensably necessary, on principles of justice, in framing the union, to take care that such Irish peers as were not chosen representative peers of Ireland, and thence entitled to seats in that House, should not be utterly excluded from the possibility of becoming legislators, but might have the chance of enjoying that honour, if they chose to accept it on the conditions provided in the article.

The Earl of *Romney* said, that in consequence of this explanation, he should continue to vote for the resolution as it stood.

After some further conversation, in which the amendment was supported by lords Mulgrave and Holland, and opposed by the lord chancellor, lord Bolton, and lord Hobart, the House divided on the question, whether the words proposed to be left out stand part of the question: Contents, 48; Not-contents, 12. Several other amendments were proposed and negatived, after which the resolution was agreed to, as were also the remaining resolutions. It was then ordered, that the Address delivered by the Commons at the conference on the 6th instant, be taken into consideration to-morrow.

May 8. The order of the day being read, for taking into consideration the said Address, lord Grenville moved "to agree with the Commons in the said Address, by filling up the blank with 'Lords Spiritual and Temporal, and'"

Lord *Bolton* said, that many important advantages, he was persuaded, would result from the union, not only to the general interests of the empire, but to Ireland in particular. He spoke with the greatest confidence on the subject, as he had been enabled to form a tolerably correct opinion of the internal situation of Ireland, from the official situation which he had the honour to hold in that country under a noble duke, whose virtues in private life were not more universally admired, than his abilities as a public man were acknowledged and revered by all who had the honour and the happiness to have business to transact with him. A more judicious and enlightened mind lodged not in the breast of any man, than in that of the late duke of Rutland. During that noble duke's administration, the commercial propositions were sent over amended by the British parliament, and he had the honour to move them in the Irish house of Commons. Those propositions had failed; but their failure was in a great measure to be ascribed to their having been brought forward at the commencement of the noble duke's administration, before he was sufficiently known to the people of Ireland, to have acquired that confidence which was afterwards reposed in him. From the moment the commercial propositions failed, it became evident, that matters of a political nature could not stand upon their then footing, and every year, and almost every month, that had elapsed since the rejection of the propositions in 1785, had afforded additional proof of the necessity of drawing the two

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countries closer together. The union now proposed, appeared to him admirably calculated to answer all the purposes requisite. So obvious were the great benefits that must result from it, that he was surprised at the opposition it had met with.

Earl *Fitzwilliam* said, that nothing but a sense of duty could have induced him to oppose a measure, which seemed to meet the wishes of so many of their lordships; but when he was called upon to agree to a union with Ireland, at the same time that no man was more ready to admit that a perfect and complete union was of all things the most desirable, he felt himself bound to examine whether the articles proposed, carried in them sentiments of unison, or whether they did not contain the seeds of disunion and of separation. To form a real union with Ireland, a free and open participation of advantages of every description between the two countries was indispensably necessary. Was that the case in this measure? Look into the articles, both commercial and financial; in every part impediments to real union presented themselves. In the commercial article, innumerable were the clogs and shackles put upon the commerce of Ireland. In the financial article, the taxes and contributions of the people of Great Britain and Ireland were distinct and different in an essential degree. In the article of a legislative nature, a direct and violent infringement was made on the constitution of this country. And no satisfactory explanation had been given why it was necessary to remove the seat of legislature from Dublin to London. Under the Irish parliament the trade of Ireland had flourished, and that country had grown rich and prosperous. In a political view, also, the residence of her legislature had proved advantageous. During the late unfortunate rebellion, which he considered as a rebellion chiefly of the lower orders of the people against the government of Ireland, government, backed by the parliament of Ireland, were able to suppress it. Why, then, after such recent proof of the advantages of a resident parliament, was Ireland to be deprived of reaping the same advantages in a similar emergency, should any such occur? By the removal of the legislature, the number of absentees would be greatly increased, and the gentlemen of property more generally induced to come and reside in this kingdom, thus leaving behind them a majority of that order of people most prone to insurrection and revolt. He must give his dissent to the measure, as carrying in it the seeds of separation and disunion.

Earl *Camden* said: — Some words which have dropped, and some allusions which have been made, by the noble earl who has just sat down, make me peculiarly desirous of trespassing for a few moments on your lordships time. I am particularly desirous of alluding to that part of the noble earl's speech, in which he speaks of the great advantages which the executive power in Ireland received from the parliament of that kingdom during the rebellion; and argues from that example upon the impolicy of removing it. When I allude to that event and to that parliament it is impossible for me to express the gratitude I feel towards them. It is my duty to do ample justice to their firmness, their spirit, and their wisdom, upon the trying occasions in which they had opportunities of evincing those qualities. But, much as I feel the merit of that parliament; I cannot shut my eyes to the advantages which will accrue to the empire in general, and to Ireland in particular, by consolidating that parliament with our own. It has been said, that Ireland will suffer much in her consequence and independence by this measure. If I did not think that the interests, feelings, and consequence of that country were most amply considered, I should not have concurred in the measure. As long as the countries continue upon their present footing, there must be that sort of English influence in the government of Ireland, which might really wound the feelings of an independent nation, whereas, by the union they will be completely admitted into all the discussions and deliberations in which the imperial parliament is concerned, and will be engaged in all those important concerns, instead of having to deliberate upon mere local questions. In alluding to the Catholic question, I beg to say, that I think even a non-acquiescence in these claims from the imperial parliament, would be considered by that body as the effect of their deliberate judgment; whereas a similar conduct in the Irish parliament would be construed into the effect of prejudice and pique. I think these claims could never have been conceded by the Irish parliament under the present

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circumstances of the country. If, therefore, these claims could not be conceded there, and if the subject can be brought forward for more deliberate discussion here, merely as far as this question is concerned, the union of the two parliaments is desirable. I have always been a friend to this measure; but, considering the many prejudices which were to be overcome, I did not look with confidence to its accomplishment till the present moment.

Marquis *Townshend* thought the union would prove a beneficial measure to both countries, but more especially to Ireland. The industry that it would introduce would necessarily carry civilization with it, and give security to property; the consequence of which would be, the more constant residence of the landholders and men of property, and that would not only lessen the number of absentees, but entice the clergy to more constant residence on their cures, by which means the morals of the people would be improved, and the pernicious influence of the vagrant Catholic priests would be in a great measure done away. As men of property became residents on their own estates, they would get rid of their middle-men, who diminished the profits of the land-owner, while they ground down the poor tenant.

The Earl of *Westmorland* declared himself decidedly in favour of the union. He took a general view of the distractions religious and political, which for some years past had agitated Ireland: those he thought were almost unavoidable under the existing system of government in that country, and, of course, to be finally removed only by the expedient of a legislative union. No small portion of this was to be attributed to the successive change of chief governors—men often of very different views and principles, and who of course were actuated by them in their respective administrations. He admitted that a respectable party in Ireland, and a number of well intentioned persons, were hostile to the union, but the greater part of this hostility proceeded from prejudice, want of information, or the influence and exertions of the evil minded and designing; but all the traitorous and disaffected in that country were to a man opposed to the union, and for an obvious reason—that it would render all their designs abortive. That consideration alone should be a strong recommendation of the measure. The great question of the Catholic claims could also be finally settled by a united parliament, which circumstance would tend much to paralize the strength of the disaffected party. As Catholic emancipation was one of their pretexts, and proved a strong engine in their hands, so would it be with the hacknied topic of parliamentary reform. On this head, with respect to the idea that ministers, after making such an innovation in the constitution as would be done by the union, could not consistently set their faces against a parliamentary reform, if hereafter proposed, he denied the application of the argument, that the constitution in such a case would be innovated, and declared it to be his opinion, that the great bulk of the people were averse to parliamentary reform. His lordship contended, that the present distracted state of Ireland required some strong, decisive, and efficacious measure, for its removal; and that none could be so aptly applied, as an incorporate and legislative union. With respect to increased ministerial influence resulting from the union, he denied that it was likely to take place: he inclined to think rather the contrary. In support of its necessity, he quoted the opinion of De Lolme, who stated, that one of the great reasons why England preserved its liberty after the decay of other governments, was, that its constitution admitted but of one parliament, representing all the people; whereas those upon the continent, in the latter constitutions, had assemblies consisting of distinct estates, and with contending interests.

Lord *King* widely differed in opinion from the noble earl. He considered the measure in question, carried as it had been rather as a species of conquest in Ireland, where not only the means of corruption were used, but intimidation also. The precedent of the Scotch union was much talked of; but it had little bearing on the present question, either in point of analogy, or as an argument as having ameliorated the state of that country. That Scotland had improved since that period, could not be denied; but this could not be attributed to the effects of the union. At the time of its passing, it was a vast accession of power to the minister of the day. The creation of twelve peers about that period, strengthened the ministerial influence; and on one occasion, one of the ministers stated the cause of their weakness to be the accidental absence of some

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of their friends, and the circumstance that "the waters being out, the Scots lords could not get to town." That the influence of the crown had much increased within the present century was notorious. The introduction of the 32 peers and 100 commoners into the united parliament, would materially increase the influence of the minister, which would also be strengthened by the circumstance of the Irish exchequer and establishments being kept separate.

The Earl of *Darnley* said:—My lords, before I enter upon the general question now before the House, allow me to repeat those objections to a particular part of the plan of union, which the more I consider, the more I wish to see altered. I am very ready to admit, that in a great and complicated arrangement of this nature, a deviation from established principles may be absolutely necessary; and on these grounds I give full credit to those who framed the articles of union, which appear as little exceptionable as the nature of the case will admit, except in that particular point to which I allude in the 4th article, which enables the king to retain a limited prerogative of creating Irish peers. In my opinion there is no reason for deviating from the precedent of the union with Scotland in this particular instance, but every possible reason for adhering to it. It is true that the two cases differ in this respect, that whereas the Scotch peerages are many of them descendable to females, the Irish are almost universally limited to heirs-male, on which account they will be more speedily extinguished: but I confess this appears to me rather in the light of an advantage, than of an evil: for, by the gradual and certain operation of time, it would do away every trace of separation and distinctness between the two countries in respect of the peerage, and so far produce that identity which we hope will result in every other instance from this measure of union. In so difficult and complicated an arrangement, I am well aware of the impossibility of steering clear of all objections which may be made on constitutional or other grounds, and that a necessary choice of difficulties must sometimes occur. On this account, as I do not see the objections to it in the very strong point of view in which it has appeared to other noble lords, I am willing to admit that part of the article which allows Irish peers to sit in the House of Commons as British members. This appears to have something like necessity, or at least of expediency, to justify it; it would indeed, according to my view of the subject, be extremely hard to deprive of their seats a number of English gentlemen, who have long been at the same time Irish peers and members of the British House of Commons, and who for years, and some of them even for generations past, have been accustomed to look to such a privilege. On this ground I am disposed to tolerate a temporary innovation in the constitution, but, by perpetuating a distinct Irish peerage, you perpetuate also this inconvenience, whatever its magnitude may be. However, according to all constitutional analogy and principle, if you must preserve to the king the prerogative of creating Irish peers after Ireland shall have ceased to exist as a separate kingdom, you ought to preserve it inviolate, and, not without a shadow of necessity to justify you, establish what I cannot avoid thinking a dangerous precedent of innovation in the constitution. Impressed with these considerations, I lament the little weight and authority with which I am able to urge them; and I appeal to an illustrious duke whom I now see in his place, and who may possibly in the course of nature one day wear the crown of these kingdoms, and ask him whether he can consistently with his duty to that crown, sanction by his vote this unnecessary violation of its rights?

Having stated these objections, which the more I consider them, the more forcible they appear to my mind, in the hopes that they may still lead to some alteration in this part of the articles of union, I shall not offer any thing farther which may appear in the most remote degree in the light of opposition to the measure, which with this simple exception in all its details, as well as in its general principle, meets with my most cordial approbation: and though some of its provisions appear more or less objectionable, they are notwithstanding justified by the necessity of the case.

The objections which have been made in this country have neither been formidable in point of number, nor urged with any degree of correctness or success. One of the most prominent is that which the noble lord who spoke last has dwelt so much upon; namely, that the constitution of the House of Commons will be materially altered, and the influence of the crown increased to an alarming

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degree, by the addition of one hundred Irish members to the present House of Commons. In answer to which it may be fairly stated, that, admitting, as you necessarily must, that no union could take place without the introduction of some representation for Ireland, no possible plan that could have been devised would have been so consonant to popular principles, and so little likely to give any thing like undue influence to the crown, as that before the House, which selects from the present Irish House of Commons all the members for counties, with the addition only of a few for the principal cities and towns, and which, together with the election of the peers for life, secures the independence of the Irish representatives as completely as the nature of the case will admit.

The next considerable objection which has been made on this side of the water, comes from the woollen manufacturers, who have endeavoured, by great legal ability and most respectable evidence at your bar, to establish a case; but, in my opinion, and I believe in the opinion of the House, with very little success. It does not indeed appear that their alarms are well founded, or that Ireland is likely soon to deprive them of their great and flourishing manufacture by the free importation of English wool. Whatever advantage she may derive from this source it would be highly impolitic and unjust to deprive her of it; at present there does not appear any reasonable ground for believing that the woollen manufacture is likely to be transferred to Ireland, and therefore we are by no means called upon to accede to the wishes of that very respectable body of men who have petitioned against this part of the articles of the union. But I will go farther, and declare my opinion, that even if they had succeeded in establishing their case as much as I think they have failed, legislating as we are, for the great and permanent interests of the whole empire, we ought not to have been thereby induced to favour them, at the expense of any possible future advantage which might accrue to Ireland. How often has their manufacture in particular, as well as many others, been transferred from one part of this island to the other, without any permanent inconvenience, or mischief of any sort? Nay, instances of the truth of this observation might be adduced; but I will instance only the county of Kent, where the woollen manufacture first flourished in England, and which is now without it, and will ask such of your lordships as are best acquainted with that county, whether it exhibits at this day any symptoms of such a loss, or whether it is not at length as rich and flourishing as any other part of England. If, therefore, it could be proved satisfactorily that the probable consequences of that part of the union which allows the importation of British wool into Ireland was likely in the course of time, to transfer the manufacture to that country, we ought by no means to be deterred, by such a consideration, from passing the article as it now stands, and thereby admitting Ireland to a fair and equal participation of all the advantages which a community of interests with this country can give her.

And now, my lords, I trust I shall be permitted to take up some of the time of the House, in stating, as concisely as I am able, what appear to be sufficient answers to the objections which have been urged to this great measure in the sister kingdom, I am impelled to do so, not only by the great importance of the subject to every person interested in the general welfare of the British empire, but also because it appears to me that such noble lords as, in common with myself, are more immediately and locally interested in the welfare of Ireland, are in some degree called upon in this place to prove, to the best of their ability, that in differing from a great and powerful party in that country on the subject of the union, we are actuated by motives, and influenced by reasons, which to us at least appear sufficiently urgent to induce us to give our most hearty concurrence to a measure which they so earnestly deprecate, and that in doing so we are persuaded that we promote the real and substantial interests of Ireland. I am ready to admit that the party to which I allude is still, in point of numbers, industry, and ability, extremely formidable, and, in many of the individuals who compose it, highly respectable; what proportion it may bear out of doors to the majority of unprejudiced and uninfluenced Irishmen, who appear favourable to this measure, I will not attempt to decide. It is sufficient for my present purpose that a considerable majority of the parliament of Ireland have sanctioned by their concurrence this measure, which the House of Commons last year refused even to entertain. Your

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lordships may recollect that I then declined entering into the discussion, because it appeared to me less likely to promote the object in view, than farther to irritate and inflame the Irish nation against it. The case is now materially altered, and it is become the duty of every man to endeavour to obviate those objections which have been raised and urged with so much force and violence against what he conceives to be essential to the security and preservation of Ireland in particular, as well as to the general and permanent interests of the British empire.

The first grand objection, and which appears on all occasions to have been placed in the front of the battle, as best calculated to excite the feelings of national prejudice and mistaken national pride, is, that a union with Great Britain will be a surrender of Irish independence. To appreciate fully the weight of this objection, it will be necessary, in the first place, to consider whether this boasted and favourite independence be real or imaginary, or whether, if it be real, it is also beneficial. For this purpose I shall not tire the patience of the House by going back to the early periods of the connexion between the two countries, or enter into the details of a history which must be familiar to your lordships. Suffice it to say, that the policy of this country towards Ireland, for a course of centuries, was neither liberal or enlightened. Ireland was always treated as a subordinate, and ever as a conquered country. The necessary consequence of which was, that, never attached by the bonds of mutual interest and affection, she took every opportunity of manifesting her impatience under the yoke, and at length, during the American war, when Great Britain was depressed and humbled, seized that opportunity of extorting from her a participation in the advantages of her commerce, which, in sound policy, she ought long before to have freely granted. Having then felt their strength, the patriots of Ireland (as they were called) did not stop here, but proceeded farther, to claim, and finally to obtain, from the British government, their boasted settlement of 1782, and the idol or rather phantom of an independent constitution, which they have ever since adored. That the independence so acquired never has and never can have been real, appears to me capable of the most positive proof. The British parliament, it is true, ceased to legislate for Ireland. The British government no longer supported and maintained the necessary connexion between the two countries by open and avowed control, but was obliged to resort to less direct though perhaps equally efficacious means of governing this independent parliament, and rendering it subservient to its purposes. It could not indeed have acted in any other manner, for every practical assertion of independence on the part of the Irish legislature, if it did not dissolve, must manifestly have endangered the connexion between the countries; and I will defy any man to prove, that, in any great imperial question of peace, war, or the like, or indeed in any question except of a local nature, this boasted independence can ever be exerted without producing, or at least tending to absolute separation. Irish independence and British connexion never can really and practically exist together; the one or the other must necessarily fall. The connexion has, however, hitherto subsisted; by what means, those who are most conversant with the history of the Irish independent parliament are best enabled to judge, and none better than those noble lords who have spoken in this debate, from the practical knowledge on this subject which their former situation of chief governors of that country has given them. They can, and have in a great measure informed your lordships what Irish independence really is, or rather what it was their duty to make it, in order to enable them to carry on the government with which they were intrusted, and maintain the connexion between the two countries. One of them indeed (lord Westmorland) has entered fairly and fully into the subject; and no man has had better opportunity of appreciating the real value of Irish independence than that noble lord. There was, however, one part of his speech applicable to my present purpose, which I confess a little surprised me, as coming from him. The noble lord stated, and fairly stated, as a cogent argument for the union, the probable change of system and opinion which took place in Ireland when any change of lord lieutenant occurred. He might have added, from his own experience, that a change of system and opinion sometimes took place in the same lord lieutenant, and, in the particular instance to which I allude, with the most fatal consequences. When the Catholic question was first

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agitated in the summer of 1792, all the Protestant friends of government throughout Ireland, by grand juries and county meetings, pledged themselves to oppose the Catholic claims in the most solemn manner. In less than six months after, in the beginning of 1793, I happened to be in Dublin, and, to my utter astonishment heard that noble lord, in a speech from the throne, recommend to the Irish parliament to grant what they so lately had refused with so much indignation and contempt. The independent parliament immediately obeyed, and consented, not only to eat their own words, but, in my opinion, as a necessary consequence, to entail on their country all the horrors and calamities which she has since experienced. My lords, I see this transaction, on the nature of which I shall not invidiously expatiate, in so strong a point of view, that, if all other arguments and inducements were wanting to impel me to consent to the union, I should think this alone perfectly conclusive, and declare with confidence that such a system of government cannot too soon be destroyed. This transaction alone is sufficient to place in a stronger point of view, than any possible argument that I can use, the real nature of Irish independence; and, speaking with the feelings of genuine pride, which should belong to every real friend to his country, I should, as an Irishman, reject such independence with indignation and contempt. But what will the present measure substitute in the place of it? Degradation! humiliation greater than what I have described, and what positive facts sufficiently prove—a surrender of real independence! No, my lords, but an exchange of a shadow and mere mockery of independence, for the greatest and most substantial independence which the world is capable of affording; an identity of interests, a participation of advantages, which this country so eminently enjoys; in a word, a full and equal share in the trade, the manufactures, the wealth, the power of the most commercial, the most industrious, the richest and the greatest nation upon earth. This is my idea of real and substantial independence —This is what all good Irishmen ought to look to with the veneration and enthusiasm of true patriotism—This is what I trust and believe will at length make Ireland, what she never yet has been, a flourishing and happy country.

The next great objection is of such a nature that I should almost be ashamed of mentioning it in this place, or of taking up any part of the time of the House in endeavouring to confute it, if I did not know that it had made a deep and serious impression on the other side of the water—I mean the absurd idea which prevails there, that the union is a scheme of the minister's to alleviate the burthens of this country, by oppressing Ireland with a load of taxation beyond what she is able to bear. Now, my lords, not to argue on the absurdity of the proposition, that a very rich country stands in need of the assistance of a very poor one to enable her to bear the burthens, or to suppose that any man can seriously contend that under their present relative circumstances Great Britain could possibly draw any real assistance of this nature from Ireland, I contend, that it is utterly impossible that the minister should entertain such an idea, or that, if he did, he could induce the united parliament to concur with him. I will not rest my argument on any questionable ground of good faith, generosity, liberality, or the like, which may be considered, in great public and national transactions, as but frail securities to the weaker party—but upon the clear, manifest, and direct interest which both the minister of this country and the parliament will have in the welfare of Ireland, as soon as the union shall have taken place. Hitherto the interests of the two countries have been separate and distinct, a legislative union will make them one and the same; and it is as absurd to suppose that the interests of Ireland will be less impartially considered in the united parliament, than those of Scotland, Wales, Devonshire, or any other part of the united kingdom which have furnished long and practical experience of the truth of this assertion; and, considering the situation in which Ireland stands, so very inferior, in point of riches, industry, and every species of improvement of which a country is capable, to Great Britain, it will be as much the interest of ministers and parliament, as it will be their duty on every principle of sound policy, and future advantage to the empire at large, to favour and protect, instead of attempting to draw resources from her which she does not possess.

The next great popular objection to this measure in Ireland, and perhaps the most plausible of all, is founded on the opinion, that the union will materially and injuri-

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riously increase the number of absentees, already considered as a great injury to that country. On this subject, my lords, I have always thought that the evil which has existed has been grossly exaggerated, and I think the probable increase of it has been equally misrepresented. Whatever it may be, if the advantages to Ireland which I expect from the union really take place, it will every day be less and less felt by that country. At present it would be idle to attempt to deny that some emigration will take place after the union, but I by no means sincerely believe to the extent that has been imagined and confidently predicted by the opponents of the measure. A certain number of country gentlemen will undoubtedly be induced to prefer London to Dublin, as a town residence, in consequence of the removal of the parliament from the latter place; their numbers however will be inconsiderable, and it by no means follows that they will be less inclined to reside upon their estates in Ireland than heretofore, but rather the reverse, on account of the additional value and security which the union will give to their property. But whatever their number may be, and however respectable they undoubtedly are, I cannot but consider them as unproductive capitalists, for every one of which, who are induced by the union to leave Ireland, I confidently expect that ten industrious merchants or manufacturers from England will be induced to carry their productive capitals to that country, as soon as the advantages which it has so eminently received from nature are superadded to those of good government and security of persons and property, which have never hitherto existed. That the merchants and manufacturers are themselves of this opinion is well known; and if other evidence were wanting, the speech of that most respectable gentleman (Mr. Peel), published last year in the form of a pamphlet, would of itself be conclusive: and if such should really be the consequence of this great arrangement—if it restores tranquillity, order, and submission to the laws—if it creates habits of industry, where they have never yet existed—if it facilitates such means of improvement, civilization and wealth, as have hitherto been looked for in vain—let me ask any real friend to Ireland, whether he can for a moment hesitate in giving it his most cordial support?

These appear to me to be the principal objections which have been urged against the union; but although, in endeavouring to answer them, I have incidentally touched on some of the great advantages which it presents to both countries, but more particularly to Ireland, there are some great and essential benefits to that country to be expected from it, which deserve our particular consideration. I am not disposed, nor indeed will it be proper on this occasion, to enter into the question of Catholic emancipation, as it is called. On this subject, however, I must contend that a legislative union presents this great and permanent advantage, that the question will be discussed in the imperial parliament with candour and liberality; and whatever the alternate decision may be, it will neither be governed by party prejudice and animosity on the one hand, or by the apprehension of consequences on the other. To this may be added, that the only chance which now remains of composing the civil dissentions, the party violence, the religious animosity with which that unhappy country is distracted, is this very measure against which such an outcry has been raised. But this is by no means the only advantage which the union promises to Ireland. We all know the inferior situation in which that country unfortunately is with respect to Great Britain, in security of persons and property, in habits of industry, in submission to the laws, in agriculture, commerce, and manufactures. On the other hand, nature has been most bountiful to her; and no country upon earth presents such means of improvement, such fertility of soil, such excellent ports, harbours, and navigable rivers. In a word, Ireland is in want of nothing but what this measure is so well calculated to give her, and which I confidently expect will be the necessary result of it. To every purpose of imperial greatness, to the common strength and security, as well as to the consolidation of the interests of the two countries, it appears directly and necessarily to tend: and I hope and trust, that the Almighty, who has hitherto so eminently favoured the inhabitants of these islands, will not in this instance, by any unforeseen dispensation of his providence, frustrate the speculations of human wisdom, but permit this union to take its full effect in producing those blessings and advantages which we expect from it!

The Earl of *Westmorland* rose merely

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to assert, that the government of Ireland had never authorized grand juries to give any promise that Catholic emancipation should be granted.

Lord *Holland* commented upon the observations made by two noble earls who had spoken in favour of the measure, and had held high official situations in Ireland. In regard to the consideration advanced by the first of these, that the parliament of Ireland did not possess the confidence of the people, it was most true: but how would the union remedy that evil? The idea, that the Catholics, in the event of a refusal to allow their claims, would be less hurt by their rejection coming from an united parliament, than from the present parliament of Ireland, was a most curious one, particularly when regarded as a principle of conciliation; it reminded him of the old rustic address to entice the pigs to come to their owners:—"Piggy-wiggy, come and be killed!" With respect to what had fallen from the other noble earl, he had candidly acknowledged, that there was a respectable party in Ireland against the union, but asserted that all the traitorous and disaffected were against it; and had added, that Catholic emancipation was one of the pretexts of this latter description of persons. To this he would say, why not deprive the disaffected of this pretext, by acceding to the well-founded claims of the Catholics? Even on the ground argued by ministers, that the great majority of the landed interest and persons of property in Ireland were loyal and well affected, and those of contrary principles were chiefly to be found among the lower and middle classes, the union must operate most injuriously, as it must naturally cement a great number of the former into permanent absentees, and cause them to live the greater part of the year out of their country. Upon the whole, the union was a measure which, while it impoverished Ireland, would endanger the constitution of England.

The Earl of *Hillsborough* observed, that, until the epoch of 1782, he had thought favourably of a union; but the measures then adopted, as well as their consequences, had entirely changed his opinion upon the subject. At that period he was a member of the Irish House of Commons, and understood the minister of that day to declare in his place, that every thing with regard to legislation or political constitution was then arranged, and that nothing but commercial regulations remained finally to adjust the situation of Ireland with respect to Great Britain. From that period till the present, Ireland had flourished in a degree beyond all former precedent. He was therefore clearly of opinion, that any thing which would trench upon or disturb the Irish constitution as adjusted in 1782, would end in mischief to Ireland, and in destruction to both countries. He would speak as an Irishman, and declare his conviction, that the great body of the people of that country were determined to stand or fall with Great Britain; they acknowledged the supremacy of the latter, and were happy to be called her sister kingdom. That they would preserve their connexion, at the expense of their blood and treasure, had been abundantly proved throughout the present disastrous war; and the circumstance of her freely adding 17 millions to her debt to support Great Britain, was an additional proof of her attachment. Then why abolish her parliament, or abrogate her constitution? Why were the parliament or people of Ireland suspected of a wish to separate from this country? There existed no ground for such a suspicion; but the measure in question, if pressed, might eventually lead to separation. He trembled at the probable consequences. The taking away so many of the principal residents of Ireland, men of influence, property, and friends of British connexion, as was required for the legislative representatives, would be highly injurious to Ireland. For his part, he would not remain in that country after the measure was passed, to see it dying and pining away, after having so anxiously contributed to its prosperity and aggrandisement.—Passing then to the consideration of the most prominent parts of the plan of union, he objected to them as impolitic, unequal, and likely to produce disturbance and disunion, instead of union and concord. In many provisions the principle of union was violated, and the interests of both countries kept as distinct as ever. He regretted that the prayers of the people of Ireland should be deemed so little worthy of attention. Twenty-six out of thirty-two counties had petitioned against it; of these twelve were unanimous; and ten great corporations had set their seals of office to petitions against the union. After this, to persist was little better than to force the measure

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down the throats of the Irish. The members of the Irish House of Commons who opposed the measure, were men of the first talents, respectability and fortune; while those who supported it were men notoriously under the influence of the Crown. These were his real sentiments upon the question. He had no other views than the happiness and welfare of his country, the glory and honour of the king, and the general good of the British empire. He despised what had been done against him. He had rejected proffers, and laughed at the efforts of personal malice to disturb his peace. He, in this instance, felt himself called upon by his sense of duty to oppose a set of men with whom he had acted seventeen years. He respected them, and on other points they should have his support as before.—So far as an Irishman. He would now speak as an English peer, and declare his opinion, that the introduction of 28 members into the upper, and 100 into the lower House of parliament, was pregnant with danger to the constitution: it would add much to the ministerial influence, and even trench upon the prerogative. Were Ireland suffered to remain under its present constitution and government, he had no doubt of its speedily recovering its recent shocks, and becoming as prosperous as ever. Were the measure in question persisted in, he feared it would lead to misery and resistance, and end in attempts at separation, and eventual dismemberment of the empire.

Lord *Grenville* said, that not a single year had passed since 1782 which was not marked with outrage and disturbance. Hence, in addition to those who resided out of Ireland from choice, many persons of fortune had abandoned it from fear. To arrest the progress of this evil, there was no remedy but a union; which would give security to property, and transfer wealth, industry, and civilization to that country. He ridiculed the idea of any undue influence as likely to be produced by such a measure. Was it to be supposed, he asked, that a House of Lords, which had provided so effectually for the prosperity of the country, forgetting all their interest in its welfare, would be guided in their choice of twenty-eight of their body to sit in the imperial parliament, merely by the influence of the crown? Was it to be supposed that these twenty-eight, when so elected, would cease to be inspired with the same sentiments they now felt; and 100 commoners would cease to be actuated by the motives which now regulated their conduct? As to the disposition of the people of Ireland, he was certain it was friendly to the measure. Much pains had been taken to inflame their minds; but he rejoiced to find they had produced so little effect. His lordship expressed his long and invariable predilection for the measure; and hoped, now that it had proceeded so far, that nothing would stand in the way of its final completion.

The House divided: Contents, 55; Proxies, 20; Not-Contents, 7. The Not Contents were, the earl of Hillsborough, Fitzwilliam, earl of Carnarvon, and Buckinghamshire; and lords Dundas, Holland, and King.

Joint Address of the two Houses respecting the Union with Ireland.] The following is a Copy of the said Address:

"Most Gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in parliament assembled, humbly beg leave to acquaint your majesty, that, in conformity to your majesty's gracious message, laying before us the Resolutions of the Lords and Commons of Ireland, we have proceeded to resume the consideration of the great and important subject of a legislative union between Great Britain and Ireland; and it is with unspeakable satisfaction we have observed the conformity of the said resolutions to those principles which we humbly submitted to your majesty in the last session of parliament as calculated to form the basis of such a settlement.

"With the few alterations and additions which we have found it necessary to suggest, we consider these resolutions as fit to form articles of union between Great Britain and Ireland; and if those alterations and additions shall be approved by the two Houses of the parliament of Ireland, we are ready to confirm and ratify these articles, in order that the same may be established for ever by the mutual consent of both parliaments.

"We offer to your majesty our humble congratulations upon the near prospect of the accomplishment of a work, which your majesty, as the common father of your people, has justly declared to be so near your heart; concurring, as we do with your Houses of Parliament in Ireland, in the full conviction that, by in-

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corporating the legislatures, and consolidating the resources of the two kingdoms, we shall increase the power and stability of the British empire, and shall at the same time contribute in the most effectual manner to the improvement of the commerce, the security of the religion, and the preservation of the liberties of your majesty's subjects in Ireland."

The concurrence of their lordships to the said Address, and also to the Resolutions together with the several amendments made thereto, were ordered to be communicated to the Commons at a conference. The Commons agreed to the amendments, and on the 12th, the Address was presented to his majesty.

The King's Answer to the Joint Address.] To the said Address his majesty returned this Answer:

"My Lords and Gentlemen;

"It is with the greatest satisfaction that I receive, from my two Houses of Parliament, this dutiful and loyal address, expressing their concurrence in those resolutions which have been proposed by the Lords and Commons of Ireland, as the articles of a legislative union between my two kingdoms. I shall, without delay, communicate to my parliament of Ireland the sentiments and the declarations contained in this Address; and the dispositions which have been manifested by my parliaments in both kingdoms, afford me the best pledge of the speedy and prosperous conclusion of this great measure: an event to which I look forward with the most anxious expectation, as tending, above all others, to secure and perpetuate the happiness of all my subjects."

Protest against the Joint Address respecting the Union with Ireland.] May 8. The following Protest was entered on the Journals:

"Dissentient:

1. "Because the Resolutions themselves prove the impracticability of a complete union in the present circumstances of the two countries, inasmuch as they do not provide for the identity of the two countries, in the important considerations of peerage, taxation, and commercial intercourse.

2. "Because we believe the measure of a legislative union is against the sense of the people of Ireland, and therefore unjust in its principle, and dangerous in its consequences.

3. "For the reasons contained in the 2nd, 3rd, 4th, and 5th reasons of a protest, entered the 11th of April 1799.*

(Signed) "HOLLAND,
"KING."

Debate in the Commons on the Poor Removal Bill.] March 17. Mr. *Baker* said, that it would be highly expedient, if, for a time to be limited, parishes were obliged to maintain the casual poor residing in them, although they have no legal settlement. The practice of removing them was extremely vexatious and highly impolitic. He knew one parish which, during the last year had expended 200*l.* in removing the poor from it who had no settlement there: and in the ensuing summer, the number of persons liable to be removed, would be greatly increased. The disputes and litigations would be endless, if the practice were not for a time prohibited. He hoped therefore that no objection would be made to his motion. The poor laws stood generally in need of revision, as they contained the greatest absurdities. For instance, a strong healthy man who had lived four or five years in a parish, and enriched it by his industry, did not acquire a settlement in it, while a boy did who had served as an apprentice in it for forty days. Mr. Baker concluded with moving, "That leave be given to bring in a bill to prevent, for a time to be limited, the Removal of casual poor, notwithstanding they may have received parochial relief."—Leave was given.

March 31. On the motion, that the bill be now read a second time,

Mr. *Baker* said, that the bill would be of the utmost service to those industrious men who were generally able to support themselves by the fruits of their labour, but who were reduced to depend upon parochial aid from the present unprecedented price of provisions. Far from being expensive, it was the most economical plan that could be devised, and would be no less advantageous to those who paid poor-rates, than to those who were supported by them. He did not mean that every vagrant who came into a parish should be maintained by it, nor that any one who had not a settlement in a parish should have a right to demand support. The only object of the bill was,

* See Vol. 34, p. 824.

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to enable the overseers of the poor to assist those whom they should think deserving, without rendering them liable to be removed.

Mr. *Estcourt* said, it was asserted that the bill would do no good, as all those who were liable to be removed, were already sent back to their own parishes, but it ought to be recollected, that many parishes were so liberal as not to act up to their powers; and that many who had hitherto been able to subsist without relief from the parish might, before the ensuing harvest be reduced to that necessity.

Mr. *Buxton* said, that the bill went to set aside the law of settlements which had existed from Elizabeth to the present time, under which we had lived happily, and the dissolution of which would be attended with infinite confusion and innumerable law suits. The bill was particularly oppressive upon artificers, mechanics, the lower order of farmers, and the landed interest in general; the small inconveniences it would remove would be more than counterbalanced by the evils it would occasion.

Mr. *Pitt* said, that the bill by no means affected the general law of settlements. It was not proposed to extend the provisions of it to the old, the infirm, and the idle; but merely to those who, from the present high price of bread, were unable to live upon their wages. Whether was it most humane, that they should be allowed to remain where their friends and relations resided, or that they should be sent to a place, where they must be without a home, and without a friend? Whether was it most expedient that they should be allowed to remain where they might assist to support themselves, and where they might be of use to the community; that they should be sent to a place where they can find no employment, and must depend for their subsistence on the charity of their neighbours?

Mr. *Simeon* said, that this bill, far from being of service to the poor, would tend to their oppression. It was also quite unnecessary, as, from its being so expensive to remove paupers, they would seldom be removed. It was extremely unjust to oblige a farmer to pay double, or perhaps ten times the poor rates he calculated upon paying when he took his farm. In great towns the act would be still more oppressive.

Mr. *I. H. Browne* did not see the bill in the light of a compulsory one; since it went only to permit a temporary relief.

Sir. *W. Pulteney* thought the bill unnecessary, and highly dangerous; inasmuch as it tended to encourage idleness, dissipation, and want of economy.

Lord *Sheffield* said, that the tendency of the bill was, to increase and enforce a spirit of exclusion in the several parishes. At present a spirited relief at an enormous expense was afforded to the poor, which would be checked by this bill. The whole system in their favour would be deranged by it. His only satisfaction was, that, if it did pass, it would be perfectly nugatory; it might take place partially, and do much mischief.

Mr. *Hobhouse* said, that if the bill was voluntary, it would be altogether nugatory; for who could suppose that any parishes would take upon themselves the maintenance of the poor belonging to another parish? If it was compulsory, it would be highly mischievous.

Mr. *Baker* said, he did not mean that the bill should be in the least degree compulsory.

The House divided:

Tellers.

Yeas	Mr. Baker - - - - Mr. Estcourt - - -	21
Noes	Mr. Buxton - - - Mr. Crewe - - - -	19

April 3. Mr. Baker moved the order of the day for the House to resolve itself into a committee on the bill. On the question, That the Speaker do now leave the chair,

Mr. *Ellison* said, he was afraid the bill would occasion much abuse. The necessity of the bill was not clear to him from the general scarcity. The bill was a mixture of obligation and volition. This might do much mischief. In one parish the overseers might act upon it, and in another they might not. The obvious tendency of this measure was, to increase insolence in the poor, and to check the bounty of those who were in superior conditions of life. He hoped the bill would never be passed into a law.

Mr. *Simeon* insisted, that the dread of removal, should they become chargeable, operated on the minds of the non-resident poor as a spur to superior industry; but, this inducement being taken away, there was reason to fear that the same indolence

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would prevail among them as among the other class, and thus the parishioners would be subjected to a double expense.

Mr. *Pitt* considered the principle of the bill to be humane, liberal, and politic. He was afraid, however, that one of its clauses would tend to diminish the effect intended to be produced by it; for he would not have one individual, whose industry and morals were unimpeachable, removed on account of his happening to be unable, from the extraordinary price of provisions, to support himself and family. Unless this bill passed, an industrious man would be subject to be removed from a place where he was useful, to a place where not only he was useless, but where he would be a burthen; from a place where he wanted only temporary aid, to a place where he must be permanently supported; from a place which he had possibly contributed to enrich, to a place for which he had done nothing; from a place in which he might support himself again with credit, when this temporary pressure was over, to a place in which he must be a pauper for life; for this must be the effect, in many cases, where an industrious mechanic was removed from his connexions, separated from his habits, and placed among strangers who had no employment for him. Although this bill did not go far enough in some respects, yet, as far as it did go, he was a friend to it.

Sir *W. Pulteney* said, that the bill would unnerve the whole system of our poor laws. There was great danger in indulging such a principle as this bill involved: it would hold out a premium to idleness, an invitation to extravagance; and the want of economy was often the chief cause of poverty among a people. It appeared, that those who had no settlement seldom wanted relief, and that the expense of supporting them was trifling; but those who had settlements in the parish in which they resided wanted relief to a great extent, and the expense of supporting them was very large. What did this prove, but that those who had settlements in the parishes where they lived wanted economy, and were, in many instances, profligate, and that those who had no settlement were frugal and industrious. Men who knew they could not command relief when they wanted it, would take care not to be reduced to the necessity of asking for it; whereas others, who know they must be supported, were careless of their duty. If this bill was passed, those who were now frugal and industrious would become extravagant and idle. It would lay the foundation of the ruin of the middling tradesman, who found it difficult already to pay the poor-rates.

Mr. *Buxton* lamented the existence of the poor laws, and wished that every man could be compelled to support himself. This was the case in Scotland and in Ireland. He had no objection, however, as matters stood, that a man should be relieved in his own parish; but this bill instead of giving relief, would produce injury, by producing a general removal from the parishes where they now resided, to the parishes where they did not. His fear was, that in attempting to do good, it would occasion much evil.

Mr. *R. Thornton* said, that the bill, so far from being serviceable to society, would tend to bring down its classes to poverty, and make the benefactors poor themselves.

The House divided:

Tellers.

Yeas	Sir John Wrottesley - - Sir William Geary - -	23
Noes	Mr. Ellison - - - - - Mr. Buxton - - - - -	30

So it passed in the negative; after which, the bill was put off for six months:

Debate in the Commons on the Bill to prevent Bull-baiting.] April 2. Sir *W. Pulteney* said, that several gentlemen who had been witnesses to the inconveniences which the savage custom of Bull-baiting occasioned, had come up to town for the purpose of applying to parliament to put a stop to the evil. He was therefore now induced to move for leave to bring in a bill to prevent the practice. The reasons in favour of such a motion as this were obvious. The practice was cruel and inhuman; it drew together idle and disorderly persons; it drew also from their occupations many who ought to be earning subsistence for themselves and families; it created many disorderly and mischievous proceedings, and furnished examples of profligacy and cruelty. In short, it was a practice which ought to be put a stop to. He then moved, "That leave be given to bring in a bill for preventing the practice of Bull-baiting."

Sir *R. Hill* said, that from a love of decency and decorum, and out of huma-

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nity to the common people, he should second the motion.

Mr. *Baker* said, that the practice was certainly a very inhuman one, and occasioned many mischiefs; but bull-baiting was not the only practice to which these objections applied; cock-fighting was, in his opinion, equally objectionable. He hoped, therefore, that gentlemen would turn their thoughts to the suppression of this as well as the other practice.

Leave was given, and the bill was brought in and read a first time. It was read a second time and committed on the following day.

April 18. On the order of the day for taking the report into consideration,

Mr. *Windham* said:—Sir; I rise for the purpose of opposing the motion which has been made by the hon. baronet; and had I been present when this bill was in its former stages, I should have even then decidedly opposed it; for notwithstanding the gravity with which it was introduced, and the importance which seemed to be attached to it, I should certainly have thought it my duty to ask the House if they knew upon what it was that they were going to legislate. Let me now ask then what there is in bull-baiting which they have suddenly found to be so alarming. It is no new practice; it has existed more than a thousand years, without having been supposed to be pregnant with any of those crying evils that are now ascribed to it. Is it pretended that it "has increased, is increasing, and ought to be diminished?" I, for one, cannot think that it has increased, nor can I see any necessity whatever for the interference of the legislature in order to diminish it. In my whole life, indeed, I have never been present but at two bull-baitings, and they happened while I was a school-boy; but I cannot say that I experienced any bad effects from the gratification of my curiosity. I did not find myself the worse for it, nor could I suspect that the other spectators were contaminated by the spectacle.

Sir, there are some persons to whom a legislative measure like this may appear serious and important; but for my own part, I cannot but look upon it as proceeding from a busy and anxious disposition to legislate on matters in which the laws are already sufficient to prevent abuse:—it at best only argues a *pruritus leges ferendi*, in the gratifying or opposing of which I cannot but think my time, and more especially that of the House, is most miserably employed. This House ought only to legislate when an act of legislature is gravely and generally called for; and not merely to gratify petty, personal, and local motives, such as are infinitely beneath the deliberate dignity of parliament; especially in times like the present, when questions of vital importance are hourly pressing on our attention. Really, Sir, in turning from the great interests of this country and of Europe, to discuss with equal solemnity such measures as that which is now before us, the House appears to me to resemble Mr. Smirk, the auctioneer in the play, who could hold forth just as eloquently upon a ribbon as upon a Raphael. This petty, meddling, legislative spirit, cannot be productive of good: it serves only to multiply the laws, which are already too numerous, and to furnish mankind with additional means of vexing and harassing one another.

A great deal has lately been said respecting the state of the poor, and the hardships which they are suffering. But if they are really in the condition which is described, why should we set about to deprive them of the few enjoyments which are left to them? If we look back to the state of the common people in those countries with which our youthful studies make us acquainted, we find, that what with games, shows, festivals, and the institutions of their religion, their sources of amusement and relaxation were so numerous as to make them appear to have enjoyed a perpetual holiday. If we look to Catholic countries, it will also appear, partly, perhaps, from many festivals and ceremonies being adopted into their religion from the Pagan system, and afterwards so transformed as to incorporate with it, that they all enjoy many more amusements and a much longer time for relaxation than the poor in this country, who may say with justice, "Why interfere with the few sports that we have, while you leave to yourselves and the rich so great a variety? You have your carriages, your town-houses, and your country-houses; your balls, your plays, your operas, your masquerades, your card-parties, your books, your dogs, and your horses to amuse you—On yourselves you lay no restraint—But from us you wish to take the little we have?"

In the south of France and in Spain, at

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the end of the day's labour, and in the cool of the evening's shade, the poor dance in mirthful festivity on the green, to the sound of the guitar. But in this country no such source of amusement presents itself. If they dance, it must be often in a marsh, or in the rain, for the pleasure of catching cold. But there is a substitute in this country, well known by the name of a *Hop*. We all know the alarm which the very word inspires, and the sound of the fiddle calls forth the magistrate to dissolve the meeting. Men bred in ignorance of the world, and having no opportunity of mixing in its scenes or observing its manners, may be much worse employed than in learning something of its customs from theatrical representations; but if a company of strolling players make their appearance in a village, they are hunted immediately from it as a nuisance, except, perhaps, there be a few people of greater wealth in the neighbourhood, whose wives and daughters patronize them. Then the labouring people must have recourse to the public-house, where, perhaps, they get into conversation, and politics become the subject. That this is an employment sufficiently mischievous I am willing enough to admit. What are they to do then? Go home and read their Bibles! This is, no doubt, very proper; but it would be well if the rich set them a little better example in this way. Whatever may be the habits of the more luxurious climates of the continent, the amusements of our people were always composed of athletic, manly, and hardy exercises, affording trials of their courage, conducive to their health, and to them objects of ambition and of glory. In the exercise of those sports they may, indeed, sometimes hurt themselves, but could never hurt the nation. If a set of poor men, for vigorous recreation, prefer a game of cudgels, instead of interrupting them, it should be more our business to let them have fair play; for victory is here to them an object of as much glory as greater men could aim at in a superior sphere. These sports are, in my mind, as fair an object of emulation and of fame, as those in which the higher classes are so proud to indulge; and here I am ready to agree with the poet, that, in other circumstances,

"He that the world subdued, had been
"But the best wrestler on the green."

Some little time since it was thought matter of reproach for gentlemen to be present at any of these athletic trials; and even boxing was cried down as an exercise of ferocity. It is time to resist these unnecessary restraints; for, if this bill should pass into a law, it would no doubt be followed by other regulations equally frivolous and vexatious. It is idle to declaim against savage manners or dispositions in this country. The character of the people is directly the reverse; their sports are robust and hardy, but their tempers are not ferocious; nay, it is a fact, that there is not a people in the whole world that feel a greater horror at bloodshed. Compare them with the people of France or Italy, where all is suavity, sprightliness, and gaiety, and let us rejoice in the difference between the humanity of their characters. I will not say, whether certain principles, if suffered to operate, might not have produced sanguinary scenes here as well as in other places; but I can safely assert, that cruelty, or the thirst of blood, is not in the nature nor in the habits of Englishmen. On this subject, I may be permitted to make an allusion to an affray which lately took place in the Isle of Wight, in which some foreigners were engaged. Unfortunately, murder was the consequence of that scuffle, which, amongst Englishmen, would have terminated in a black eye or a bloody nose. So congenial is this principle of humanity to the hearts of our people, and so uniformly displayed in their actions, that it might imply the suspicion of effeminacy, if they had not so often given, on all occasions, such glorious testimonies of courage and prowess in another way. In war they are prodigal of their own blood; but after the shock of battle, or the fury of an assault, their first sentiment is always shown in mercy to the vanquished; and it is not unfair to attribute to their manly amusements much of that valour which is so conspicuous in their martial achievements by sea and land. Courage and humanity seem to grow out of their wholesome exercises.

Sir, having premised thus much, I next come to consider this case of bull-baiting in particular. The sport here, it must be confessed, is at the expense of an animal which is not by any means a party to the amusement; but it at the same time serves to cultivate the qualities of a certain species of dogs, which affords as much pleasure to their owners as greyhounds do to others; and why should the butcher be deprived of his amusement any more than the gentleman? That peculiar breed of

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dogs, though now decreasing, and nearly extinct, has always been held in high estimation in this island. Gratian, who wrote as early as the age of Augustus, mentioned and described this animal, which, indeed, has always been so much a favourite, that many of our ships are called after its name. It is no small recommendation to bull-dogs, that they are so much in repute with the populace.

The advocates of this bill, Sir, proposed to abolish bull-baiting on the score of cruelty. It is strange enough that such an argument should be employed by a set of persons who have a most vexatious code of laws for the protection of their own amusements. I do not mean at present to condemn the game laws; but when gentlemen talk of cruelty, I must remind them, that it belongs as much to shooting, as to the sport of bull-baiting; nay more so, as it frequently happens, that where one bird is shot, a great many others go off much wounded. When, therefore, I hear humane gentlemen even make a boast of having wounded a number of birds in this way, it only affords me a further proof that savage sports do not make savage people. Has not the butcher as much right to demand the exercise of his sport, as the man of fortune to demand that of hunting? Is not the latter as painful to the horse, as the former to the bull? And do not gentlemen, for the empty fame of being in at the death, frequently goad and spur their horses to exertions greatly beyond their strength? Might not the butcher say, "I have no coaches, horses, balls, masquerades, nor even books, which afford so much delight to those in higher stations, and who have more leisure time; do not therefore deprive me of the amusement I feel in setting the propensities of one animal against those of another." The common people may ask with justice, why abolish bull-baiting, and protect hunting and shooting? What appearance must we make, if we, who have every source of amusement open to us, and yet follow these cruel sports, become rigid censors of the sports of the poor, and abolish them on account of their cruelty, when they are not more cruel than our own?

It may be said, that in bull-baiting the labouring poor throw away their money, and lose their time, which they ought to devote to labour, and that thus they themselves may become chargeable to the rich. But surely, if there be any set of men who ought to be left at liberty to dispose of their money as they choose, it ought to be the industrious labourers; and such men do not lose time by their amusements, but work harder and longer at other times, to make up for what time they may lose in relaxation, and to furnish them with additional money for the enjoyment of such recreations. I do not mean to speak against magistrates; on the contrary I am convinced of the value and importance of the services they render to the community, and of the general activity and propriety with which they discharge their duty: but I do think that many of them appear to act upon an opinion, that it is their duty at all times to control the common people in their amusements, like some to whom the care of children is committed, who think it right to deny them every thing which they seem eager to have or enjoy. They appear to act on the opinion, that the common people have nothing to do with any amusement; but ought only to eat, to sleep, and to work.

Upon the whole, Sir, there does not appear to me to be any real evil in the practice of bull-baiting; that it would be trifling to legislate upon such petty concerns, and that it is in the present case absurd, as the practice is already so much fallen into disuse, that it seems as if the bill had been brought in now lest it should be quite abolished before it could be passed. As to the cruelty of the practice, it is mere solemn mockery in gentlemen to talk of it, while they themselves indulge in sports equally cruel. In a bull-baiting, a hedge may be broken down, or a field of grass trodden down; but what is this compared to the injury done by a pack of hounds, followed by horses and their riders, sweeping over fields and hedges without distinction? Accidents to the lookers-on do sometimes happen at bull-baiting; but I am sure that I have known more fatal accidents than ever happened from bull-baiting, arise in the county of Norfolk alone (keeping out of the question those which have happened merely from the danger always attending the use of fire arms), by quarrels between the game-invaders and the game-preservers, some being killed on the spot, and others hanged afterwards for the murders. What then is the plea by which the bill is supported? It cannot be from sensibility and hatred of cruelty in those very gentlemen who in the game-season, as it has been justly said, become their own butchers and poulterers.

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Sir, I shall conclude with moving, "That the said Report be taken into further consideration upon this day six months."

Sir *W. Pulteney* said, that the right hon. gentleman had displayed great ability and ingenuity in the speech he had made. His first argument was, that passing the bill was encouraging a spirit of petty legislation; but the legislature had often interfered on subjects equally trifling. The right hon. gentleman had alluded to the importance of keeping up this breed of dogs, and to the warlike spirit which this practice infused into the people. But if bull-baiting was so very important, and if it was declining and getting so much into disuse, why not propose to grant a bounty for its encouragement? But though it was so much neglected now, it was rather against part of the right hon. gentleman's argument, that the warlike spirit of the nation had not at all declined. Had not as great courage been displayed in the course of the present war, by our soldiers and sailors, as at any former period? There were many counties where bull-baiting was never practised. In Yorkshire, Northumberland, and all the northern counties, it was unknown, and the inhabitants were as brave as any other counties in the kingdom. But there were many places where this practice was far from declining. In Staffordshire and Rutlandshire, the labouring poor often left their work to attend on this sport for days and even weeks together, and thus consumed the money which ought to go to the support of their families. As to the cruelty of the practice, it was indisputable. There was a great difference between it and hunting or shooting. In this case a poor animal was tied to a stake, with no means of defence or escape, and tormented and tortured for a whole day, or even for several succeeding days. In the other sports, there was no such refinement of torture. He thought it was a dangerous thing to impress the minds of the poor with a persuasion of the hardships of the laws under which they lived. The case was a simple one; it was merely determining whether it was right to put a stop to a cruel, brutal, and inhuman practice, which was degrading to the people by whom it was encouraged, and debasing to the human mind.

Mr. *Canning* said, that the hon. baronet had turned the tables rather unfairly upon his right hon. friend; and as it was inconsistent with the forms of the House for a member to speak twice during the same debate, he rose to explain and justify the arguments which his right hon. friend had adduced. The worthy baronet had seemed to think it absurd to dwell so long upon such a trifling subject; but he ought to have considered, that if a bill was once brought into the House, however trifling or however absurd its object might be, it was necessary to discuss its merits, and that the blame lay with those who proposed the measure, not with those who stated their reasons for disapproving it. If he understood his right hon. friend, he opposed the bill on these grounds: first, because there was no call for legislative interference, and certainly every one must be sensible that the practice of bull-baiting was becoming every day less common; and, that though the practice was ever so reprehensible, there was no occasion for passing an act to render it penal. His right hon. friend had said, that the practice was not detrimental to morals: he had not ascribed to it such virtues as the hon. baronet seemed to imagine; but merely asserted its innocence, or rather said, that it was not more criminal than the daily amusements of the rich, a truth which all must readily allow. He had likewise objected to the unfairness of depriving the poor of their pastimes, while the great were left in possession of theirs, and many harsh laws were made that they alone might enjoy their favourite sports. Certainly, there could be no better principle for the legislature to proceed upon than to make no distinction between the different orders of the state, and that if any should be made, the comfort and happiness of the lower orders should be preferably attended to, therefore they ought to put a stop to the practices of hunting and shooting before they attacked bull-baiting. But gentlemen seemed to think, that they alone should enjoy the sports of the field; and that they might have the exclusive possession of them, they used their utmost exertions. If a foreigner had last year been allowed to sit below the gallery, what would have been his opinion of the members of the British legislature? Night after night, when the most momentous questions were to be discussed, he would have seen the benches empty, and scarcely as many present as would constitute a quorum. At last, upon entering he would have been astonished to see the House crowded

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to the very door, and would have asked with amazement, what great business comes on to-night? Is a foreign power to be subsidized? Is the question of peace and war to be decided? It would be answered, no: these sage legislators have assembled to consider of the best means of preventing the common people from killing a bird, the shooting of which affords excellent sport to gentlemen, and which, when roasted with bread sauce, makes an excellent dish at dinner. Shooting was the grand employment of the English gentry, and their great object in the education of their sons was, to make them good marksmen; they delighted not "to prompt the tender thought," but "to teach the young idea how to shoot!" All this might be very well; but when they were so attached to their own sports, why should they wish to take away from the sports of the poor? He did not understand whether the hon. baronet, in exposing the shocking cruelty of the practice of bull-baiting, meant to say it was cruel to the dogs or to the bull. The amusement was a most excellent one; it inspired courage, and produced a nobleness of sentiment and elevation of mind. He could see no objection to it, which might not be urged against almost any other. The dogs were dangerous, and accidents might happen from the bull getting loose; but if the legislature were to interfere to put a stop to every practice which might possibly be productive of mischief to any individual, the House must sit unremittingly, making new laws, and many whimsical laws they would make. He himself lately, when walking down Ludgate-hill, had seen an over-drove ox overturn and gore a little old woman in a red cloak. How would the House have looked, had he that night brought in a bill with this preamble: "Whereas an over-drove ox did on Ludgate-hill overturn and gore a little old woman in a red cloak, be it enacted, &c.?" Yet more mischief, he was confident, was done in one year by the over-driving of oxen than by bull-baiting in twenty. The hon. baronet had objected to what his right hon. friend had said with regard to depriving the people of amusements, and had attempted to justify this by saying that their amusements were prejudicial to themselves and the community. But what could be more innocent than bull-baiting, boxing, or dancing? The only result he knew to be produced by what had been called "hops" was, an increase of his majesty's subjects. The legislature ought not to interfere to abolish these practices; and, above all, ought never to interfere unless where there was "dignus vindice nodus." The dignity of the House would have been better preserved, had it never meddled with this story of a cock and a bull. It was absurd to legislate against the genius and spirit of the country. The putting a stop to bull-baiting was legislating against the genius and spirit of almost every country and every age. The natural instincts and mutual antipathies of animals had ever been made a source of amusement to man, and, notwithstanding all the laws that could be made, would continue to be so.

Mr. *Sheridan* said, his hon. friend seemed to think that the proposers of the present bill had been guilty of the greatest absurdity. He could see nothing absurd in their conduct, but was rather inclined to apply that epithet to the conduct of those who in such long and laboured speeches had opposed it. In repelling this charge, his hon. friend had said, that if a trifling and absurd bill was introduced, it became necessary to enter at length into its merits; but if the present bill was so very trifling and so excessively absurd, was there any occasion for speaking long against it? Would it not have been better to have quietly left it to its fate? Such a bill spoke sufficiently for itself. According to the abettors of the practice of bull-baiting, it was not only to be tolerated, but to be encouraged, and a premium held out to encourage its frequency. But, in recommending bull-baiting, they had taken the bull by the horns; for they said, that it ought not to be abolished previous to the abolition of all the amusements of the rich; and that there should be no sort of distinction between the different orders of the state. If such arguments had been adduced in a speech from his side of the House, the speaker would be denounced as a Democrat and Jacobin. The right hon. gentleman had even said, that the laws were oppressive and tyrannical to the poor of this country, and that they were harshly and cruelly administered. He had compared the magistrates to senseless parents who tormented their children, and said that the rich not only indulged in every gratification themselves, but took a delicious pleasure in

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lessening the comforts and preventing the amusement of the poor. If these principles were acted upon, all balls, routs, plays, masquerades, &c. should be rendered penal, or the lowest of the people should be allowed and enabled to participate in every piece of fashionable dissipation. It had been said, that this was a noble diversion, and the source of all the bravery, gallantry, and generosity of Englishmen. What effects bull-baiting might produce in Spain, he would not determine; but there the men did not employ dogs to attack the bull; they attacked him themselves; and he supposed, that if the right hon. gentleman were present at a bull-bait, he would immediately set the bull at liberty, and give him a fair chance for his life. In that case, if not elevation of mind, at least contempt of danger, might be generated by the practice; but to tie the poor animal to a stake and set upon him a number of ferocious dogs, was cruel, disgraceful, and beastly. He had been very much amused by the right hon. gentleman's panegyric upon bull-dogs; but he did not apprehend that such very great evils would befall the state though the breed should become extinct. He did not admire the character of these animals to such an enthusiastic degree as the right hon. gentleman; they were sullen, stubborn, and treacherous; though, when they had once laid hold of any thing, they never let go their hold; and so far they resembled a placeman. The analogy which had been drawn between bull-baiting and other exercises was by no means fair. There was surely a mighty difference between that cowardly, beastly, execrable practice, and the noble amusement of cricket, and many others open to the lowest of the common people. He would be happy to concur in any plan for extending the enjoyments of the poor; but he was confident that bull-baiting was a source of wretchedness to them, and therefore this bill met with his hearty support.

Sir *Richard Hill* said, that the legislature had frequently interfered with the sports of the public, as in the instance of bear-baiting, which was now prohibited. The practice of bull-baiting was general in many counties. In Staffordshire the lower orders spent much of their time in feasts of this sort: their days and nights were employed in pinning down the poor bull, and preparing the ferocious dog. He trusted, therefore, that the House would let the bill proceed.

The House divided: For Mr. Windham's motion, 43; Against it, 41. The bill was of course lost.

Debate on Mr. Jones's Motion respecting the War with the Republic of France.] May 8. Mr. *T. Jones* said;—Sir I rise to bring forward a motion on the subject of the present war with the republic of France. This, Sir, is a very awful moment for me; no man, I will venture to state, Mr. Speaker, ever addressed you under greater difficulties and disadvantages. But, Sir, I have great confidence in the justice of my cause; I have a strong reliance on the candour and indulgence of this House: and, furthermore, I trust much to that Providence which has prompted me (and which alone has prompted me) to bring forward the motion which I shall have the honour to present to this House this night. I do assure the House, that if I conceived our laws, our liberties, our religion, or one atom of our most glorious constitution, were in danger, I would not stand up here for the purpose which I do now; but I would support the war, and the councils which conduct it, with the same zeal and firmness and resolution, which I did within these walls, and without them, when I conceived they all really were. In a just and necessary war, to support the interests and the honour of my country, I would undergo the severest privations, and recommend it to others so to do; but in what I conceive an unjust, an unnecessary, and an impracticable pursuit, I think it my most bounden duty to recommend such councils as shall produce a negotiation for peace. After eight years of a war of various expedients and complexions, and not without intermediate negotiations, a new æra of the war appears: his majesty's ministers, by not listening to the proposals of peace, have at length pulled off the mask, flung away the scabbard, and commenced what I must denominate (and as such denounce) a *Bellum Bourboninum*.

Sir, if this point should be disputed, I would ask the minister distinctly, for what object we are at war? I want to know, plainly, for what object on earth the people of England are groaning under an unprecedented and inquisitorial system of taxation; and for what object ministers are at this moment promoting the common carnage of their fellow creatures, almost over the whole world, with British gold; if it be not for the re-establishment of the

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ancient government of France? Sir, are we contending for the sovereignty of the seas? Thank God, we have it: Witness the fleets of France and Spain, now cooped up in Brest harbour! Witness the mutilated and capitulated marine of Holland! Witness the brilliant and transcendent victories of lords Howe, St. Vincent, Duncan, and Nelson! Witness that proud day for Old England, when the captured colours of France, Spain, and Holland, were deposited and consecrated in St. Paul's cathedral, amid the blaze of majesty, amid the joy and gladness religion, enthusiasm, and loyalty of the people. Sir, are we fighting for the safety of our commerce? We, Sir, have monopolized almost the commerce of the whole world—witness our ports (perhaps too much so) crowded with the ships of all the nations of the earth. Can we be fearful for the safety of our territorial possessions in India? Here, Sir, I must say a few words on the French expedition to Egypt. I certainly, Sir, did, here in my place, predict its destination, and did pray for its discomfiture and annihilation. we have experienced the truth of the former; and know that, fortunately for the world, the latter has taken place. Now, Sir, to ascertain the magnitude of this expedition as to the British interests in India, I would refer the House to his majesty's speech of November 20, 1798, after the naval part only was happily destroyed. Again, Sir, I must draw the attention of the House to his majesty's speech on the 24th September 1799, after the accounts were received of the wonderful acts of prowess of sir Sidney Smith and his brave comrades, and to whom, Sir, you know my good intentions; and I trust government will anticipate any proposition of reward of mine on that subject. But, Sir, since that wonderful siege of Acre, the total abandonment of Egypt has taken place. Why then, Sir, if the British interests in India were, according to the sentiments of his majesty's ministers, announced from the throne to be "in that quarter in a state of solid and permanent security," what must they be now? But, Sir, if security does not exist there in full force, let us turn our eyes to India herself, and contemplate the vigilance, decision, and wisdom of the governor-general (lord Mornington), by whose prompt zeal and transcendent abilities, aided and suported by the military skill and valour of general Harris and his officers and men, the black tyrant of Seringapatam, the most inveterate enemy of Great Britain, the tiger Tippoo Sultan, is laid low! and here I must again refer the House to his majesty's speech of 24th September 1799. Then, Sir, as to India, become the corner stone of Great Britain, I hope I do not presume too much when I express my most sanguine wishes, that the chancellor of the exchequer will condescend to own the existence of his favourite basis of peace—security.

Now, with regard to Italy, as far as we are concerned, we have by the vast exertions of lord Nelson and commodore Trowbridge, re-enthroned the fugitive king of Naples; and, we have, in fact re-elected the pope—and at this moment the papal banner waves in triumph its proclamation of the re-establishment of the Romish faith to its numerous adherents scattered over the face of the earth.—Are his majesty's ministers bent on the reinstatement of the stadtholderian government in Holland? I do not wish to remind the House of misfortunes; but we have tried that, and we know the result—everlasting disgrace to England and Russia, and no inquiry granted. God forbid any more human-nature expeditions, unless, if they should fail, we can bring the authors of such failure, to condign punishment! Now, Sir, I trust we shall not hear of ministers contending that we are at war to extirpate Jacobinism. That plague and pestilence, thank God! is extinct. God, Almighty God, "hath bruised the serpent's head." Then, again, Sir, I must ask the minister seriously, for what object are we contending, but for the re-establishment of the ancient government of France? Here, Sir, I hesitate not to aver, that I cannot discover that the existence of the present government of France is incompatible with, or its destruction necessary to, the safety of this country. Sir, I see nothing in it that ought to preclude a negotiation for peace. Sir, I see quite the contrary. England has not tried the faith of republican France. England has had reason to know the perfidy and ambition of monarchical France; to illustrate and elucidate which most fully and incontrovertibly, I shall desire the clerk to read an address to the Commons of the date of April 19th, 1689. [This was read accordingly.]

Well, Sir, so much for the perfidy, the ambition, and the Jacobinism of monarchical France! Now, Sir, it will be necessary for

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my purpose, to show the state of the war and the necessity of peace, to go into the alliances and subsidies, as they have stood, and as they now stand, relatively to ourselves and the respective nations concerned, which I shall do with all the brevity possible. On the 21st January 1794, copies of conventions entered into between his Britannic majesty and the emperor of Germany, the kings of Prussia, Spain, Sicily, the queen of Portugal, and the landgraves of Hesse-Cassel, and Baden, were laid on this table. Of these allies, Prussia took our gold, and soon laid down her arms, and basely deserted us. A more detestable act of meanness never blackened the annals of history. Spain, that miserable and inefficient government, soon fell into the possession of French counsels; and now her galleons serve to reward our brave tars; and their fleet, cooped up in Brest harbour, as I told you in my place it would be, proclaims her disgrace to the surrounding nations of the world. Of the king of Sicily I have spoken. The unfortunate and helpless queen of Portugal goes on in the confederacy. The landgraves (if I mistake not) made peace in sympathy with the elector of Hanover. A word or two on Austria, generally called our grand ally. On looking over his majesty's speeches during the war, I not only find occasionally great and due encomiums on that power, but I also find an interval, or rather exchange of praise, in favour of Russia; which interval and exchange of praise may fairly be traced to the defection of Austria after the treaty of Campo Formio (which treaty was signed on the 17th October 1797), of which I shall speak again, and more fully, when I come to the Russian treaty; but I must refer the House here to his majesty's speeches on November 2nd, 1797, and November 20th, 1798—in the former of which, not one word is to be found of the Austrians; and in the latter, not only not one word, but great stress is laid on the magnanimity of the emperor of Russia: and here the House will not fail to recollect the fact, that Austria has taken our millions, and paid little or no interest for them. The House, I trust, and the nation, will moreover never forget the minister sending out of the country to the Emperor the sum of 1,200,000*l.*, while the parliament was sitting, and without asking the consent of parliament; and that, furthermore, he took no indemnity for having thus violated the constitutional privileges of the House. Gentlemen sometimes talk of the aggrandizing spirit of France: let them, for one moment, look at Austria. Has she not all the lust of power that belongs to the most desperate ambition? Why, after the Campo-Formio treaty (by the secret articles of which we are taught to believe she bargained for the plunder of Venice, and of which Venice we have heard nothing since; and moreover, by which secret articles we are also taught to believe she acquiesced in the starvation of one of her own Germanic fortresses, (Ehrenbreitstein)—why, I say, after the said treaty, has she again consented to be subsidized by British gold? Why, but to promote her ambitious views, and add to her extension of territory! We all know her wishes as to Sardinia. As to Italy, the conquests of Buonaparté are all, save Genoa, gone; and perhaps at this moment she has completely routed the armies of Suchet and Massena, and is in possession of Genoa. I humbly think that she will, by her immense armies, destroy the balance of power in Europe, and despotize over the continent. Whence arose her quarrel with Russia, but that Suwarrow would not aid her inordinate ambition? and I maintain that we are now fostering her projects, to our own future evil; and, what is still worse, we are absolutely pampering her with shovel-fulls of British gold.—So much for griping Austria!

I now come to a convention between his Britannic majesty, and his majesty the emperor of all the Russias, signed at Petersburgh in June 1799, formed after the defection of the Emperor from the common cause. Not one word therein on Austria. The treaty of Campo-Formio was signed on the 17th October 1797, and the date of his majesty's first speech after this event is the 2nd November 1797. The next in succession is on the 20th November 1798. Not a word on Austria. And then comes some notice of Austria again, after the campaign (a very glorious one, no doubt), in Italy: but what I wish the House to notice here is, the wonderful encomiums on the emperor of Russia, concerning whose alliance, and the present state of it, I wish now to speak. Now, Sir, if any faith is to be placed in proclamations and manifestoes (I confess I place none myself since the famous Brunswick one), no potentate ever had a greater claim to confidence from his allies

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than the emperor Paul. But how stands the fact? He has certainly performed the part as to Austria (till the quarrel commenced): but then we paid him for it. What has he done for us? Where is he now? How stands the fact as to England? He has had his rotten ships docked, he has had his soldiers put into barracks at Jersey, at an expense to England of not less than 35,000*l*. In the course of the winter, sir Home Popham has been sent with a suit of officers to navigate his ships, and, I take it for granted, with some more British gold; and further, if I am rightly informed, this embassy has not been received; the credentials unaccepted; and an audience refused. Nay, further—If I am rightly informed, the resident ambassador (lord Whitworth), is ordered home most peremptorily. I again ask, where is this mighty Paul? where is this mighty, mercenary monocrat, Paul the first? *Abiit, excessit, evasit, erupit.* He march to Paris! he meant to go to Malta! He rebuild the Bastile! he meant to proclaim himself in Corsica! and, perhaps, in a deliberate act of mercy, to convert it into a mild Siberia! He re-enthrone the Bourbons! he pants to enthrone himself in India! The next account I expect to hear of him is, that he has formed a strict alliance with Buonaparté, and is marching to attack Constantinople; for we know that the family on the throne of the Russias have ever cherished the idea that Constantinople is a part of their inheritance. But I ought to be cautious how I speak against this emperor Paul, whose virtues have entitled him to become the theme of a most brilliant and beautiful poem, beautifully bound, and fit for the libraries of kings, or to be kept in cotton in the port-folios of ministers!

Farther, as to treaties—Since the defection of Paul, his Britannic majesty has entered into a treaty with the elector palatine of Bavaria, signed at Munich, March 16, 1800; whereby he is to place, at the disposition of his majesty, 12 or perhaps 20,000 men. If I may guess, moreover, from the answer which the chancellor of the exchequer gave me to a question I put to him concerning the army of Condé a few days since, we have also subsidized the Condeans. More British gold! His majesty's ministers appear to be the recruiting serjeants of Europe. But, Sir, before I go farther, I will tell them, that there are some things accomplishable by arms, and some which no human force can accomplish. You may ram down an union, you may ram down a Bourbon tax, with bayonets; but, with Austrians, Hungarians, Portugueze, Neapolitans, Condeans, Vendeans, and Chouans, you cannot ram down royalty in France. Moreover, I tell you, you ought not to try it: no book that ever I read on the law of nations, justifies so violent a procedure.

Now, Sir, as to the evils of war, I shall say but little, as we all know them, and lament them. But I must be allowed to say, that his majesty's ministers, placemen, pensioners, contractors, and (as the great lord Chatham most justly called them) remitters and clothiers, and the blood-suckers of the country, charge, as it were, in armour, by virtue of their places, their pensions, their contracts, their premiums, and their jobs; while the country gentlemen of England are shot through and through. I must add, speaking, of ministers in general, that, of all people in the world, they are the worst judges of the calamities of war. In the sphere they move, and in the train of majesty, they see nothing but gilded palaces, splendid equipages, choice viands, gold and silver plate, patrician galas, and every thing that conveys magnificence and plenty. They cannot have any idea of the misery, the pinchings, the poverty, the grinding starvation, in many private, old and respectable families. But at this present period, when it has pleased Almighty God to deny most of the nations of the earth their usual fruits, it is peculiarly incumbent on its rulers to promote the ways of peace. Above all, England should show the example: and I take the liberty of saying to his majesty's ministers, contemplate the state of Europe; contemplate our sovereignty of the seas, our prosperity of commerce, our security in India, the possession of almost all the Dutch and French colonies, the extermination of Jacobinism; the ambition, the expense, and the selfish views, not to mention the swindling, of some of our allies: contemplate our internal strength, our universal loyalty, our unshaken religion, and our glorious constitution, impaired, no doubt, by the ravages of ministers, but not quite skeletonized: contemplate all these things; and then, in the name of God, carry not on the war until the people of England have nought to subsist on but the "Bread of Tears;" And for what? why, to set up what I have heard

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called in this House the "Old Stool of the Monarchy of France," but what I take the liberty of calling (in the language of the book of common prayer) the "Stool of Wickedness." Save the 200 millions which the minister (after having spent 200 millions) boasted he had got ready—save the blood of thousands, perhaps millions of your fellow creatures! Repeal the odious, terrible income Bourbon tax! Give us back the bulwark of British liberty, our Habeas Corpus! Give us, in one word, in exchange for war and scarcity, peace and plenty! But, as his ministers turn a deaf ear to peace, let us prostrate ourselves at the feet of our gracious, good, virtuous, and religious sovereign, the best of men, in whom every virtue under Heaven is concentrated. Finally, for the honour, and glory, and character of England, let not the Corsican Buonaparté be the pacificator of the world: let George the third!

Sir, I have not strength left to thank the House for their attention as I could wish; but I do so most gratefully and unfeignedly. I shall now sit down with moving, "That an humble Address be presented to his majesty, earnestly imploring his majesty, that, taking into his royal consideration the heavy and unusual burthens, and the unprecedented and inquisitorial system of taxation, brought upon his loyal and affectionate people by the present calamitous war, he will be graciously pleased to attend to the humble prayer and advice of his faithful Commons, that the present War with the republic of France may no longer be carried on for the unjust and impracticable purpose of restoring the House of Bourbon and the antient government of France; and that his majesty will be graciously pleased no longer to listen to those ministers, by whose counsels his majesty has refused to treat with the existing government of France, but to declare himself willing to enter into an immediate Negotiation with the enemy, for the purpose of effecting a safe and honourable peace, and restoring the tranquillity of Europe."

Mr. *Pitt* said, he should not detain the House upon a subject which had so lately been fully discussed. He could not, however, avoid referring to that part of the motion recommending his majesty to dismiss his ministers, by whose advice he had followed those measures which had received the approbation of parliament; but he trusted the House would not recommend such a motion to his majesty, unless circumstances justified an alteration in that opinion respecting the war which it had so lately expressed.

Mr. *Tierney* said, that it had been an argument rested on by the friends of the war, that there was found in our new ally, the emperor Paul, more than a counterbalance for the defection of our other allies. But, had Austria or this country any thing to expect from the friendship of Paul? In fact, since the evacuation of Egypt, we had no one legitimate object that could affect this country in the prosecution of the war.

Mr. *H. Addington* adverted to the mischievous decrees of 1792, and said, that the very essence of those decrees had been lately summed up in a proclamation of the chief consul, which declared that if the people of England would rise against their government, they should have every assistance from the French nation.

Mr. *Hobhouse* was of opinion, that we ought to seize the present moment for opening a negotiation. During the last campaign we had wrested nearly the whole of Italy from the French, and our arms appeared to have been recently crowned with victory. The hour of success was the proper hour for inviting negotiation: but he feared that, with ministers, no time was proper. Another reason for peace might be drawn from human nature itself; for the overtures of Buonaparté had been twice haughtily rejected; and surely, under such circumstances, it was too much to expect that a third offer would be made by him. If the proposal to treat did not originate with ministers, the hope of pacification must necessarily be placed at a great distance. Gentlemen were, therefore, called upon to support the motion.

Lord *Hawkesbury* admitted, that if there were any whose wish for peace arose merely from a desire to see Egypt evacuated by the French, that end was now answered. But what were the grounds on which he and others had opposed entering into negotiation? That the government of France was of such a character, that it was not safe to enter into a negotiation with it. Before this measure was adopted, it would be necessary to show that the government of France had altered its principles. He trusted that no consideration, derived either from the number or success of our allies, could prevent our entering into negotiations for peace; on

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the other hand, so long as the government of France was what it was, he also trusted that, whether we had the alliance of other powers or not, we should be a match for France. He admitted, that, so long as a war continued, it was so far legitimate to interfere with the hostile government to destroy it; but the interference of France with our government did not proceed on this ground. They had gone upon the principle of exciting the people against all governments, and had applied this principle to us and to other countries. Such a principle was contrary to equity and the rights of men, and inconsistent with the regard due from one nation to another.

Mr. *Martin* said, he was every day more and more convinced that the object of the war was the restoration of the Bourbon family; short of which, it appeared, nothing would satisfy his majesty's ministers. There was great merit in bringing forward such a motion as the present, and whatever might be the popularity of it in that House, he was sure the country would consider it well-timed and praise-worthy. Instead of laughing at it, the gentlemen opposite ought to cry. The calamities brought on mankind by the war were not to be spoken of or contemplated without real sorrow.

Mr. *Windham* justified the opinions he had formerly delivered oncerning the restoration of monarchy in France. He had never said that we were to have no peace until that event took place: what he had said was, that the war would not terminate happily short of the restoration of that monarchy. Without it, he still thought there would be no security, no permanent peace for this country, Europe, and the world. He would not say that no change of circumstances could arise when peace would be desirable without that guarantee, but it was nevertheless true that peace might be an evil. If we had thought otherwise, we should not have made choice of going to war. The hon. mover, after much search for the object of the war, had at length discovered that object to be the evacuation of Egypt. Now if the hon. member was right, this object found, the war must end. But the object of the war was more comprehensive. What had been said of the success of the last campaign, and of the commencement of the present, being an inducement to peace, was idle. Certainly the last campaign was most brilliant, and he hoped the accounts of the successes stated to have attended the opening of the present would be fully confirmed. But, as he thought reverses would not have justified peace, so he must think successes would not justify it. Success was a means, but only a means, to attain that most desirable end. We were not in a situation to attempt peace: yet with the apparatus of war drawn forth, the combatants arrayed, the hon. member, like Richard 2nd, comes down to this House to separate the combatants. The question of war is now decided; the die is cast, and we must not desert our allies: yet though so decided, the question of peace remained always open to the rulers of a country. Such motions as the present were, however, not fitted either for a state of war or peace. Gentlemen might talk of humanity, and of the miseries of war, which no one denied, but such language was not in its right place, unless good could be done by using it. Human means, like human virtues, depend on time and circumstances. A great writer defines a weed to be a flower out of its place. So of the virtues; they may in some soils be flowers out of place, rank and noxious. If again, suffering were the question, the criminal at the bar was an object of real pity; yet the judge must not let the feelings of humanity weigh in his mind; on the contrary, he is to preserve an even frame of mind. It was the same with governments. Those who administer in them are to consider what the interests of their country require, not the feelings of humanity.

Mr. *Buxton* said, that security was the grand object, and on this ground he supported the prosecution of the war; as he did not see that the principles of the rulers of France were at all changed.

Mr. *J. Smith* declared, that with him the prosecution of the war was not the restoration of the Bourbon family, but security to this country. At the same time, he considered the restoration of that family to be the most likely way of obtaining that security.

Mr. *Robson* said, it was impossible to define what ministers meant by continuing the war, unless it was for the restoration of the house of Bourbon.

Sir *W. Pulteney* said, he was convinced that the restoration of monarchy was an unattainable object; even the 200 millions that the minister was willing to squander upon it would prove ineffectual.

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If France could be brought to confine herself to her original territories, we should have all the security that could reasonably be expected. That France should give up Holland, Belgium, and Savoy, was all we could wish. From France then, weakened as she necessarily must be, we should not for a long time have any thing to fear. If we were not content to make peace now on reasonable terms, we might hereafter be compelled to make it on disadvantageous ones. Peace was absolutely necessary to save the country from ruin: the voice of the people loudly called for it, and their voice should be attended to.

Colonel *Elford* said, he had never given his support to carrying on the war for the purpose, abstractedly considered, of replacing the exiled family on the throne of France; but, at the same time, he most earnestly hoped, that that event might take place, as the most likely means of procuring a secure and honourable peace for this country and for Europe.

The House divided:

Tellers.

Yeas	Mr. Jones Mr. Hobhouse	8
Noes	The Lord Hawkesbury Mr. Elford	59

So it passed in the negative.

Debate in the Lords on the Adultery Prevention Bill.] April 2. Lord *Auckland* said, that he rose with reluctance to present a bill which might have come from others with more propriety and effect. But such of their lordships as had attended a late debate, respecting parliamentary proceedings in cases of divorce, would recollect, that he had happened to advert to a suggestion which received the concurrence of the whole House. From that moment he had thought it his duty to come forward; and he was now prepared to submit to their lordships the justice, propriety, and expediency of providing, that "It shall not be lawful for the person, on account of whose adultery a marriage shall be dissolved, to intermarry with the person with whom the adultery shall have been committed." Such a restriction was not new. It might be traced through different periods of history in the laws and practice of other nations. Indeed, in many of those nations, adultery had been punished as a capital crime; and even in this country, during the Commonwealth in 1650, it had been made felony without benefit of clergy. He was not desirous to imitate republics in the excesses of their puritanism or profligacy; but perhaps he ought to wish for the sake of the public morality, that the crime of adultery were subject to some chastisement beyond that of a civil action for pecuniary damages. And surely it was a strange system, which permitted the offending parties not only to go unpunished, but to form with each other that sacred contract which they had grossly violated, and in many cases to derive benefit from their offence. By the law of Scotland, in 1600, it was made unlawful for the adulterers to intermarry, and that law still continues in force. And even in this part of the united kingdom it is the law of the land, and recognized in the 107th canon of the church, that neither of the parties when divorced, even for cause of adultery, shall marry again in the lifetime of each other. Their lordships would recollect that with us, as in Roman Catholic countries, there exists no jurisdiction which can give divorce *a vinculo matrimonii*, except for causes which existed anterior to the marriage; a parliamentary bill of divorce is therefore a special interference, in a case for which the law has not provided; such bills in their origin were merely remedial and solely in favour of the injured party; but the offending party not having been excepted or restricted, had acquired, by inference and acquiescence, the supposed right of contracting a new marriage, even with the person with whom the adultery had been proved; and thus it was, that the interposition of the legislature was made beneficial to criminals, and that it gave hire and salary instead of punishment to an offence of heinous magnitude, both in its example and consequences.—The incongruity and evil tendency of such a result, had been strongly felt, as soon as parliamentary divorces became frequent. To the end of the seventeenth century, in a period of 150 years from the Reformation, the whole number of bills of divorce for adultery had not been more than three or four; the particulars might be found in the proceedings on the Duke of Norfolk's case, reported in the State Trials;* and even during the first fifty years of the eighteenth century, the instances were rare. But the applications for these re-

* See Howell's State Trials, Vol. 13, p. 1283.

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medial bills having become scandalously frequent, towards the year 1771 the duke of Athol proposed a bill to prevent the intermarriage of the offending parties. That bill passed through the House of Lords without opposition, and was rejected in the House of Commons by a small majority. A similar bill was again brought forward in 1779, by the then bishop of Landaff, and it met with a similar fate.* Was it, then, reasonable to expect that the present moment would be more favourable to the same measure? He believed that it was. The promise of marriage in the event of detection and divorce, is a notorious ground of seduction, and the prohibition of eventual marriages, cannot fail to operate as a strong prevention of the crime in question. Under these impressions, he entertained the most sanguine hopes that the bill which he meant to propose would be adopted. He had, therefore, postponed for the present the intention of seeking the same object through the mode of a standing order. The bill would contain two provisions; the one to make it unlawful for the offending parties to intermarry; the other, to require that every bill of divorce shall contain a clause to prohibit such intermarriage.—The noble lord then presented a bill, "for the more effectual Prevention of the Crime of Adultery." The bill was read a first time, and ordered to be printed

April 4. On the order of the day for the second reading of the bill,

The Duke of *Clarence* rose to oppose it. That the crime of adultery was a most pernicious crime, that it struck at the root of all domestic comfort, and was destructive of the best interests of society, was an idea not more strongly impressed on the minds of the right reverend prelates opposite than on his own. Happy should he be, therefore, to support any measure that had a tendency to give a check to the increase of adultery; but, highly as he thought of the talents of the noble lord who introduced the bill, and much as he admired the motives that had induced the noble lord to introduce it, he felt it his duty to oppose the bill, because it appeared to his mind as more likely to increase than to check the career of adultery. When he considered the consequences that would follow the operation of such a bill, he could not but consider it as a measure of the most fatal nature, to that description of persons who from the amiableness of their sex, were best entitled to compassion and liberality. His main objection to the bill was, that it contained no provision for the poor unfortunate female who should fall a victim to her own vanity, or weakness. It, on the contrary, took away from her almost the only means of remedy and satisfaction that the practice of the legislature in respect to divorce bills at present allowed her—the hopes of salving her reputation by a marriage with the man, whose arts had beguiled her of her virtue, deprived her of her husband's affections, and destroyed her domestic happiness. Let their lordships recollect, that as divorce bills were only within the reach of persons of property and some rank in life, the wives of such persons, when fallen from their respectable situations, were in a manner expelled society, and deprived of the usual resorts for obtaining a livelihood. They could not work as menial servants; they were not instructed in any line of business: they could not beg. And what other line of providing the means of life was left open to them, but abandoning themselves to prostitution? It was a fact, to which he adverted with great pain, that among the divorce bills which had come to their bar in the course of a few years, several of them had been petitioned for by persons of high rank and title. Let their lordships therefore consider the case as their own. Let them ask themselves, whether they thought their own ladies, if by any misfortune it should be their fate to be parties complained of in divorce bills, ought to be turned over from their exalted situations, to all the misery and wretchedness to which, under the operation of the present bill, they would stand exposed! However deeply the prevalence of the crime of adultery was to be deplored, surely all considerations for the unfortunate of the most amiable sex was not to fall a sacrifice to their lordships zeal to prevent a crime confessedly most pernicious to society! It had been said, that many of the recent divorces originated in a previous contract, between the offending parties, to intermarry when the first marriage should be dissolved. He greatly doubted that fact. He rather thought the virtue of the woman had in most cases been undermined by the artful persuasions of the man, to whose intrigues the consequent injury of the husband's honour

* See vol. 17, p. 185, and vol. 20, p. 601.

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and happiness was owing. There might possibly be a solitary instance of some collusion between the parties; but he must have the fact better established, that it had frequently been the case, before he could bring himself to give it credit. He could easily believe that divorces by the legislature increased the number of adulteries. When a divorce was obtained by an act of the legislature, as the matter stood at present, it was open to the man who had been the instrument of the crime with the wife, to make the best amends in his power, by marrying her. But, looking at the case as a man of the world, he could not shut his eye to the pretty generally known fact, that the husband who, by suing for pecuniary damages, obtained a verdict, was considered not as a very honourable man, if when he received them, he put them in his own pocket, instead of returning them to the purse of the defendant. The royal duke compared the general effect of punishments with the crimes to which they were applied. He instanced the cases of treason, rebellion, mutiny, and desertion, in opposition to those of a baser nature, such as murder, robbery, burglary and other felonies, contending, that in each, in proportion as the punishment was rendered capital and severe, the crime rather increased than diminished. Mutiny, as a military offence, was parallel to rebellion, considered as a political and civil crime; but, increasing the severity of the punishment of desertion had not tended to check its frequency. To prove the inefficacy of capital punishments in cases of desertion, he need only instance when the duke de Choiseul was the French minister, in the war before the peace of 1763, an edict was issued, subjecting every deserter to be shot. Yet it was notorious that during this severe edict, there were more deserters than ever. He imputed many of the late divorces to the accidental effect of the war, which detained officers of the army and navy for a long time from their wives; but when peace should arrive, that effect would cease, and he had no doubt that applications for divorce bills would then diminish. His royal highness concluded with moving "That the said bill be read a second time on this day four months."

The Bishop of *London* addressed himself to the House, as guardians of the religion and morality of the country, and earnestly entreated them to pay due attention to a subject of the first importance to both. He complimented the illustrious duke on the honourable and eloquent manner in which he had stated his reasons for objecting to the bill, and rejoiced to hear from his royal highness, that he was a firm advocate for the religious principles of the Church of England, and for the morality of the people, as well as a detester of the foul crime of adultery. His lordship said, he had taken upon himself to come forward thus early in the debate, because he had a better opportunity of witnessing the increasing number of divorces than many other persons, since a great proportion of them originated in his own consistorial court. In a very short period the number had increased to 198; and unless some means were resorted to by the legislature to check their progress, the number in a few years would be so great, that it could not but undermine the best props and securities of society. That the present bill was all that was requisite to stop the fatal career of the crime of adultery, was more than could be expected; but it would do good to a certain extent; and until something more effectual should be proposed, it was worthy of cordial support.

The Earl of *Guilford* said, that every noble lord must deeply lament the prevalence of the crime of adultery; he could not, however, agree that the number of divorce bills was an infallible proof of the increase of adultery; on the contrary, it might be contended for as an argument the other way. Nor could he admit, that the morals of the people of this country were more vicious than those of antecedent periods. That divorce bills, by their number, established that fact, no man would agree, who looked back to what had been the case in France under the old government. It was well known that, during the monarchy no divorce was obtainable; and would any man deny that the crime of adultery was less frequent there, than it had been in Great Britain since the legislature had consented to grant divorce bills? He doubted, if the proposed bill were to pass, whether it would have any tendency to prevent the crime of adultery; though it was undeniable that it would operate as a merciless punishment upon the unfortunate female, who had sacrificed her honour. But surely the House would not adopt a remedy for a most crying evil, without some greater certainty of its being likely

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to be efficacious, than could be proved to be the case of the bill under consideration.

The Bishop of *Durham* said, that nothing could be more self evident, than that the rapidly increasing crime of adultery, threatened the most serious consequences to the morality and religion of the people of this country. That the proposed bill would not operate to the full extent of all that was desired, was a fact to be lamented; but would noble lords therefore refuse a measure calculated to operate as some check to its progress, because it did not promise to answer the whole of the wished-for purpose? Let but the present bill pass, and he would ask their lordships, whether they did not believe a woman would be more cautious than before in encouraging any man in his attempt upon her virtue? If, misled by an unhappy and unlawful passion, she once passed the rubicon, she would be taught that she could not repass it, that she could not patch up her reputation by marrying her paramour. In regard to what had fallen from the royal duke, that the woman would be driven to prostitution and vicious courses for a livelihood, it by no means followed as a necessary consequence. When she had manifested her contrition and repentance, she might marry again, and be restored to society; for though the bill interdicted her intermarrying with the adulterer, it left her at liberty to marry any other person. The ratio in which divorces had multiplied of late years would be seen from the fact, that from the reign of Henry the 8th down to the present king, not more than thirty or forty parliamentary divorces were obtained; whereas, during the present reign, no fewer than ninety-eight had taken place. Let the example afforded to the rising generation be considered, and the legislature must feel the imperious necessity of taking every possible step to avert the evil. With respect to the morals of the country, he must consider the evil complained of as a strong proof of their becoming worse; and among the chief cause of this was to be classed the promulgation of those principles by some of the most celebrated teachers of the school of infidelity, which inculcated that adultery was no crime, and which endeavour to bring the marriage contract into disrepute.

Lord *Mulgrave* commented on what had fallen from the noble introducer of the bill on a former evening, particularly on the historical facts to which he had alluded, and his applications thereof to the occurrences of the present times. The applications, he argued, were ill founded, and the chain of the noble lord's reasoning, as deduced from the whole, erroneous. Whatever might be the comparative number of divorces in the present and in those times, they afforded no proof of their comparative morality, or the frequency of the crime of adultery. He animadverted upon the ill policy of too severe legislative restrictions in these cases, and instanced the act of 1650, (during the usurpation), by which adultery was rendered a capital offence. This act was, not long after the Restoration, repealed, and in that period they ran into the opposite extreme. Divorces were almost unknown, yet that reign was proverbial for its licentiousness and immorality; and indeed from that period down to the commencement of the eighteenth century, the morals of the country, in respect to these things, were not much improved. With regard to the law of Scotland, the fact proved nothing, except the noble lord could at the same time prove that the crime of adultery was less frequent there than in England, as the consideration of adultery, and not of divorce, was the grand object. In regard to the idea of its being the existing law of this country that the woman should not marry after being divorced, he conceived it to be erroneous; as, when the marriage was annulled, there was no legal tie on the conduct of either party in that respect. Noble lords appeared to think that the bill, by enacting a prohibition against the parties marrying, would effectually prevent seduction. They knew little of human nature, who thought this. The bill would only add to the dexterity of the libertine; it would not act as a discouragement to pursue the vice. Here his lordship dwelt with much eloquence on the miserable and unprotected condition of a female, who, if the bill should pass, instead of being, as formerly, at liberty to marry her seducer, would be placed in a situation of ignominy too humiliating for any mind, but most of all a woman of education, and whose place had always been in the first circles of society. The offspring of her illicit connexion too, would be treated with cruelty; that offspring which partook not of the crime of its parents, but which would suffer for it,

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if the present measure should be adopted. Here the noble earl made several general observations on the conduct of the parties; adding, that much and heartily as he deplored the existence of the vice, yet as there were he believed some who, imprudent in the first instance, would make the unfortunate female that only reparation which she could receive for violated virtue, namely, the marrying her, he must think a measure which could deny her that alternative, which was to give poignancy to sorrow, and not to render penitence permanent, would be as cruel as impolitic.

Lord *Eldon* thought it his duty to discuss the subject now before their lordships, with a view, not of determining whether this measure would be sufficient wholly to prevent the most enormous crime in this country, but whether it would have a tendency to diminish that evil. It was impossible to look at the crime of adultery without feeling the necessity of showing an abhorrence of it. It had been stated, that adultery had been increased by what was called a contract, that there should be a marriage between the delinquent parties, in case a divorce should follow their guilty intercourse. Now, he was not enough a man of the world to know much of this sort of contract; he had not sufficient acquaintance with the progress of these "honourable" men who commit adultery, to know much of the validity of these contracts: this he knew, however, that although there could be no such formal contract, because the law knew of no such thing, yet a simple and silly woman might act on the opinion of there being such a contract, and that might be one of the terms on which she surrendered her virtue. Now that she was told, by this bill, that she was to be prevented from marrying her paramour, her understanding would be improved upon that subject. For what was the English of all this cant about the honourable engagement of an adulterer, but that there existed an idea in the minds of women, that if they committed adultery, marriage with the paramour would be the consequence of it? It was a vain thing for a man like him, to speculate on what was the opinion of these men of honour on the subject of adultery; but it was not a vain thing for that House to take upon itself the task of protecting virtue. One way to do so, was to enable females to be on their guard, as far as law could put them on their guard, against the attacks of these same "men of honour," who, instead of being received into the graces of the fair, ought to be consigned to public infamy; for he would ask, was it fit that this country should remain in its present situation in this particular? He was shocked to hear, that these "men of honour," who agreed to a divorce, returned the damages that had been given. But if this were so, he would ask the House, whether this practice ought to continue? The act of adultery was at present, by law, only a civil trespass, and for which only damages could be given as a "satisfaction," as some persons called it: but he had not the mind of a man to whom civil damages could give satisfaction for such an injury; for it was a crime which not only robbed the husband of his comfort, the wife of her honour, the family of their credit, but innocent children of the invaluable blessings of a good education and virtuous example. Upon these topics he knew he was speaking the sentiments of the learned lord, who, so much to the public benefit and his own credit, was chief justice of England, and whose unavoidable absence he lamented on this occasion. That learned person had often delivered to juries his opinion upon adultery. However, the legislature had told him, that, whatever his wishes might be upon the subject of adultery, we must only lay down the law as a question of damages. Juries saw the evil of the progress of adultery in its true light; they were not wanting in their attempts to suppress it; they did all that the law allowed them to do in this case; and now their lordships would give him leave to ask them, whether it was right that in the House of Lords, the co-operation to suppress this vice should be wanting? But, was a helpless woman to be abandoned? If he were to answer that question from his heart, it would be an easy answer: but the answer of a legislator must come from the head; because judgment and considerations of justice were to guide the policy of the law, and not private feelings. In that point of view, it was punishment and correction, and not lenity and compassion, that were to be applied to the case of a woman who had committed adultery. Suppose a poor helpless girl was robbed of her innocence, what would a private man say? Why, that he was very sorry for it; but what did the law say? That she was to be regarded as a prostitute—Why? that others

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should be deterred from following her example.

The Earl of *Carnarvon* supported the bill, and showed, that instead of producing the effects lord Mulgrave supposed on the man of honour who might be inclined to attempt the chastity of a woman of virtue, it would deter him from it, and induce him to repel his own inclination to do her such an injury, from a consciousness that he had it not in his power to make her any possible amends.

The Bishop of *Rochester* defended the bill. He referred to the former practice of punishing adultery with death; and said, that although he loathed and held in utter abhorrence every thing that passed in the time of the Commonwealth, yet the law which prevailed in that time was not peculiar to it; it was the law in much more ancient times, as history showed it was the law during all Pagan time; it was the law of the Hebrews, although in the latter periods of the Jewish history it was neglected, and some fashionable Hebrew ladies broke through it; it was the law also in the best and purest days of Rome. His lordship referred to the Julian law, and read certain passages from the *reformatio legum*, to prove his assertions, and to show in what light, even in the most luxurious and depraved periods of the Roman empire, that man was considered who condescended to marry an adultress. He asserted, that the last thirty years of the last century, notwithstanding the gallantries of the loose court of Charles 2nd, were pure times compared with the present, in respect to adultery and divorce. He was by no means for restoring the punishment of adultery by death; but the Scripture, in one part, sanctioned that doctrine; though in another it allowed, that in some cases a man might put away his wife. But in the Scripture were to be found strong arguments for never unloosing the marriage vow.

Lord *Grenville* supported the bill; and said, that lord Mulgrave must forgive him for thinking, that his arguments that day savoured somewhat of the new morality. He thought the arguments used on the ground of appeal to the compassion of the legislature in favour of the adulteress, would equally apply in favour of the perpetrators of crimes of the most vile description.

The *Lord Chancellor* commented upon the turn the debate had taken, and the different species of reasoning that had been used. Its first character had been a declaration, that every noble lord abhorred adultery, and would join in every measure that would repel it, but that the present bill did not go far enough. Was that a fit reason for resisting a bill going to a committee, that might possibly be amended, and would at least serve as some check to the crime of adultery? The next character of the debate was, an appeal to the compassion of the House in favour of a guilty party: such reasoning was every way unfit for a branch of the legislature, whose first duty it was to support virtue and discourage vice, in stern defiance of the force of the amiable private feelings of the human breast.

The question being put, that the bill be now read a second time, the House divided: Contents 30, Not-Contents 11.

May 16. The order of the day being read for committing the bill,

Lord *Auckland* said, that the bill which he had lately introduced for the more effectual prevention of adultery, having been found very defective, it was his intention to abandon it, in order to introduce another bill that should be more effectual; he would at present move, to have this new bill read a first time, and afterwards printed. It was a bill "for the Punishment and more effectual Prevention of the Crime of Adultery." It differed from the former bill by having a new clause, to make persons guilty of adultery liable to be punished by fine and imprisonment, as in cases of misdemeanour.

The bill was read a first time. On the motion, that it be printed,

The Earl of *Moira* contended, that the bill went to make a very material alteration in the law, namely, in rendering that which was now a civil process subject to a criminal indictment. But his chief objection was, to the provision which went to disable the woman from marrying the person on whose account she was divorced. On the cruelty of such a clause, his lordship expatiated at some length, observing, that the seducer was left unshackled by it. The husband was also left unshackled, and the whole penalty fell upon the unfortunate victim of seduction. It was adding mockery to cruelty, to permit a woman of such description to marry any man except her seducer; for who else would have her?

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It was false to say that no punishment already attached to the crime. Every woman who violated her conjugal vows lost her reputation, the esteem of her friends, and of the world, and never could raise herself to the rank from which she had fallen. The severity with which it was now proposed to pursue her, was contrary to the spirit of our laws. The distinction between murder and manslaughter was founded on the indulgence due to the impulse of passion, and the other frailties of human nature. Was then, no allowance to be made for female weakness, blinded by passion, and assailed by all the arts of seduction? To shut the door against such a woman, and prevent her attaining, by amendment and contrition, any comfortable place in society, was to question the wisdom of the constitution, which gave mercy to the crown to pardon the most wicked offences; and he would appeal to the reverend prelates, whether it was not also contrary to the mild spirit of the Christian religion? On these grounds, therefore, he moved "That the bill be rejected."

Lord *Eldon* deprecated the rejection of the bill, because he was certain, that nine out of every ten cases of adultery that came into the courts below, or to that bar, were founded in the most infamous collusion, and that, as the law stood, it was a farce and a mockery, most of the cases being previously settled in some room in the city; and that juries were called to give exemplary damages, which damages were never paid, nor expected to be paid by the injured husband. It was equally a farce and a mockery to bring them up to their lordships bar, because the parties took care not to produce the piece of parchment that had been executed between them, or to let the House know one word of the matter; for they were aware that, if they did, the divorce would not be granted. It was impossible to suffer the law to remain in the shameful state in which it at present stood.

The Duke of *Clarence* discussed in succession the various topics drawn into debate by the noble lords who supported the bill. He recurred to the proceedings on the former bill, and examined the arguments and authorities adduced by the bishop of Rochester, on a late discussion in support of the bill. He owned that an adultress, by the Mosaic law, was to be stoned to death; but he likewise endeavoured to show that there was a Jewish bill of divorce, in later periods, much superior to that Christian bill of divorce the demerits of which he forcibly pointed out. The Jewish bill was copied always verbatim by a public notary, and ran thus towards the conclusion: "Now I divorce thee, dismiss thee, and cast thee out, that thou mayest be free, and have the rule of thyself, to depart, and to marry with any other man whom thou wilt; and let no man be refused by thee for me, from this day forward, for ever! Thus be thou lawful for any man. And this shall be to thee from me a bill of separation, a bill of divorce, and a letter of dismission, according to the law of Moses and Israel." By the law of Moses and Israel, therefore, women were allowed to marry again: and as the seducer is not mentioned as being precluded from giving his hand to the too yielding fair one whom he robbed of her virtue, it was but candid to suppose that, by the above divorce bill, she was free to marry her seducer if she pleased. Nay, about the time of our Saviour it was a custom among the Roman ladies, as well as the Jewish, to divorce their husbands, and to marry again at pleasure. The bill tendered by the Roman ladies was called letters of forsaking: and, to make it clear that the same practice was in use at that time among the Jews, the women having then acquired a greater portion of freedom, our Saviour (Mark x. 12) says, "If a woman put away her husband, and be married to another, &c." The Jews were very delicate about bringing the proofs of the cause of divorce before a judge; for in so doing, they said, the honour of the one, or of both the parties is hazarded. It was enough for the judge to see the special points upon which the husband grounded his divorce, and this was his sentence: that he purely and simply divorced her, without any cause showing; giving them both leave to marry whom they should see good." By this the woman was not dishonoured, nor the errors of the man exposed.

He then pointed out the customs of the Greeks and Romans, in cases of divorce and showed that the marriage and divorce laws of these nations were in a great measure borrowed from the laws of the Jews. The Athenians admitted, he said no divorcement, except the cause were first proved before the judges; and that people like the Jews, deemed it a matter of great delicacy and hazard to the

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reputation often of both parties; so much so, that Hipparete, the wife of Alcibiades, growing very uneasy at her husband's associating with a number of courtezans, she quitted his house, and went to her brother's. Alcibiades went on with his debaucheries, and gave himself no pain about his wife; but it was necessary for her, in order to a legal separation, to give in a bill of divorce to the Archon, and to appear personally with it, for the sending of it by another hand would not do. When Hipparete came into court to obtain a legal divorce, Alcibiades rushed in, caught her in his arms, and carried her through the market-place to his own house, no one presuming to oppose him, or to take her from him; and from that time she remained with him until her death. The Grecian husbands, and afterwards those of Rome, used to lend their wives out for hire, favour, or caprice. It was by this brutal custom, and a great number of other laws against modesty, that their women grew remarkably bold and indecent. Socrates, as well as the great Cato of Utica, have been accused of lending out their wives freely to their friends; and yet we read of one of Solon's laws, declaring, that the husband who surprised his wife in adultery, was allowed to kill the adultress. So that it appears, that while the man might, with impunity, prostitute his wife to all his connexions, the beautiful but enslaved victim was to be punished with death, if, after such prostitution of her person by the express command of her husband, her eye should stray to an object more agreeable to her fancy, than those appointed for her by her uxorial pander! We have it, indeed, upon record, that Socrates lent his wife to Alcibiades, and this custom, it is pretended, was introduced by Lycurgus, to prevent the fatal effects of jealousy. A very certain preventive, it must be confessed! although, if this bill should pass into a law, the lawful prostitution of unfortunate English wives, by divorcement from the incontinent beds, perhaps, of their careless husbands, will act in a certain degree upon the female character here, as it did formerly on the ladies in Greece and Italy, by their husbands lending them out, to prevent jealousy. In the one case the husband, by this divorce bill, would be enabled to prostitute his wife for ever; while his inattentions, or his ill usage, is, perhaps, the fatal cause of his wife being thus seduced to her eternal ruin, without the least hope of any redemption! In the other case, the husband prostituted his wife too by law; but then he took the involuntary prostitute back to his bed, until he became again jealous of some other friend when he cured himself of that irksome passion, by surrendering her again to another of his friends! By this bill, perpetual prostitution follows artful seduction. By the Greek and Roman law, seduction was unnecessary. The fiat of the husband made the prostitute; and by this bill, the cruelty and incontinence of the husband will often effect the same disgrace. Adulteries which were not founded in Greece upon the consent of all parties, were punished in the several states by various penalties. As to the Romans, they often assigned no reason for their bills of divorcement. It was sufficient that a Roman willed it. Witness the conduct of Paulus Emilius, to his first wife, Papyria, whom he divorced, although she brought him very fine children; for she was mother to the illustrious Scipio, and to Fabius Maximus; and history assigns no reason for that separation, But with respect to Roman divorces in general, a light may be thrown upon the facility with which they were obtained, by stating the account which Plutarch gives of a certain Roman, who divorced his wife without any apparent cause; when his friends remonstrated and asked him, after he had divorced her, "Was she not chaste? was she not fair? was she not fruitful?" He answered by holding out his shoe; "Is not this shoe handsome? Is not this shoe new? Yet none knows where it wrings him but he that wears it!" By the law of Romulus, the husband had not only the command of his wife, but also the power of life and death over her, in certain cases, without any form of judicial process against her. This was a most insufferable tyranny indeed; but not greater than this bill, if passed into a law. For what woman of spirit would not sooner die, than live a long life of infamy and scorn, for perhaps one guilty step?

His royal highness having traced the punishments among the Jews, Greeks, and Romans for adultery, and dwelt on the laws of divorce, requested their lordships would reflect upon the following passage of Montesquieu, on the laying a restraint upon women: "You may make laws to correct their manners, and to

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limit their luxury; but who knows but that, by this means, they might lose that peculiar taste which would be the source of the riches of a nation, and that politeness which would render the country frequented by strangers?"

Thus, then in, England, let us lay no more ignominious restraints upon women, and particularly such an abandoned restraint as the present bill would lay upon that sex, who are the sources of all the endearing comforts in life! Let us not assemble here, to forge the galling chains of prostitution, and degrade the English fair sex! But let us rather adopt the Christian charity of a right reverend prelate towards a fallen female sinner, as delivered some years ago in a most excellent sermon, some parts of which he would now quote, to impress their lordships with the necessity of lenity and mercy, instead of rigour and cruelty. [Here the illustrious duke read a long extract from a sermon preached by the bishop of Rochester, at the Magdalen five years ago.] His reason for quoting this passage, was, to ascertain the opinions of the right reverend prelate on the condition of the seducer and the seduced, and to oppose them to the arguments recently used. On those arguments he would repose now for support, and hoped that their due application would be made in behalf of the unhappy female, who might be beguiled by the seductive arts of a designing villain. But the case of the unfortunate female, who fell under those arts, was an object of humane consideration. The laws already punished her delinquency, by divorce, by depriving her of her dower, and by the disgrace inseparably attached to such a conduct. He admitted that the laws should be vindicatory on such occasions, but in their punishments that they should be just. He gave his negative to the bill.

Lord *Auckland* said:—My lords; your lordships well remember that, some weeks ago, a noble baron was pleased to move you to rescind a standing order which you had made in 1798, for the purpose of preventing collusion and connivance in cases of parliamentary divorce. It happened to me, among many, to differ on that occasion from the noble baron, with whom on most other subjects, I have been proud to agree. I was led by the course of the debate to remark, that, though much benefit had already been derived from the standing order, the practice with respect to parliamentary divorces was become grossly and scandalously objectionable. And I incidentally expressed a doubt, whether in cases of legislative divorce, the intermarriage of the offending parties ought not to be prohibited. I farther observed, that the acts of parliament which have been construed to authorize such intermarriages had originally purported to relieve the injured husband only; that to this day they are so worded; and that they had always been so considered till towards the beginning of the present century. And surely, my lords, it cannot be reconciled to the dictates of justice, morality, or religion, that an adulterer and an adultress shall be deemed entitled to a special interference of the legislature in their favour, and to a suspension of the ordinary course of law, in order to enable them to complete a contract founded in turpitude: in other words that a woman who has violated a solemn vow, made a solemn appeal to her creator; shall be authorized by you to exhibit a mockery of heaven, by a new profanation of the same ceremony with the convicted partner of her crime. I was not surprised, my lords, to find that these sentiments were sanctioned at the moment by your general and warm approbation. You were pleased to express your wish that I should bring forward, some measure to restrain and correct the practice to which I had alluded; and that wish seemed to have the general concurrence of the House.

Wherefore, my lords, do I recall these particulars? Not to aid myself by the impression and weight of personal authorities, however respectable they may be. I rely entirely on the weight of truth, and on the impression of reason. But I am desirous to show, that I have not had the arrogance to originate a proposition of such magnitude; I introduced it only in consequence of an intimation from you, equivalent in my judgment to an order. Nor is it this provision alone which I may assert to have been in fact the measure of the House. My learned friend who prepared the additional clauses, was in like manner instructed and guided by your apparent wish and general approbation. Even the first suggestion was not mine; I am, indeed, every hour more convinced of its expediency and solidity, but I have not the merit of it. A bill to prevent the intermarriage of offending parties (and with a clause also to prohibit the adultress, during a limited period, from contracting

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any marriage whatever) was proposed nearly thirty years ago by the duke of Athol:—it was rejected by a small majority in the Commons,* and the rejection was followed by a great and rapid increase of divorce bills. The duke of Athol's proposition was again tried in 1779, by a right reverend prelate of high respectability:—it was again negatived in the Commons, by a division of 51 to 40.† In both instances it went through this House, not merely without opposition, but with general concurrence.

And here, my lords, allow me to advert to a consideration which, in the course of the five last weeks, has often presented itself to my mind. Certainly, it is no flattery to the persons who now hear me, to say, that there exists within these walls as much collective wisdom, as much right intention, and as much individual goodness and true honour, as have been seen in the councils of any nation, either in present times, or in past history. Contemplating this House, and the members who compose it, in such a point of view, and with all the advantages of cultivated education, all the acquirements of parliamentary knowledge, and all the habits and practice of reasoning; I have often asked myself, how it can happen that a body of men so constituted can exhibit a great schism and diversity of opinions respecting a question dependent on the evident and immutable principles of justice, morality, and religion. Again, my lords, how can it have happened that this House, which, in 1771 and in 1779 passed without one dissenting voice, a bill containing all the provisions now under discussion, and even going beyond them, should, in 1800, debate those provisions with an earnestness beyond any instance that I recollect in a parliamentary experience of twenty-six years? It would ill become me to deny that the same rectitude of intention which distinguishes the supporters of the bill, equally guides the conduct of its opposers. Their conduct is not to be ascribed to any undue desire to prevent the establishment of new and necessary barriers against vice. On the other hand, the support given to the bill, must not be attributed to a motive of an opposite nature, and hardly less reprehensible; I mean an overweening zeal of reform, and a disposition to do more than existing circumstances demand. The diversity of our opinions arises solely from a grave and solid doubt, whether the bill proposed will eventually discourage an offence which we all equally wish to discourage. When I say existing circumstances, I do not allude to the increasing applications for Divorce bills, though, in point of fact, that increase is great and alarming. It appears in our Journals, that from the date of the bill "to enable lord Roos to marry again," a period of 130 years, there have been 132 divorces by acts of parliament; of which number there were only 8 in the first 45 years, 50 in the next 60 years, and 74 in the last 25 years. In the four years immediately preceding this session there were 29 divorce bills, exclusive of five which were rejected; and in the last session alone there were ten, exclusive of two which were rejected. It may possibly be answered, that the increased number of parliamentary divorces proves only an increased facility in the means of obtaining them. And in support of this I may be told, that, in former periods of our history, the crime of adultery was more prevalent than it is at present. My lords, I will not condescend to combat an argument which is unsound in its foundation. The mere statement implies, that, provided the average of vices be not increased, we ought to leave them to their free operation. The question is not, whether the immorality of this year is greater or less than in any former year, but whether there now exists a criminal practice, which has a natural and necessary tendency to increase the depravation of manners; and whether that practice is open to salutary correction and discouragement, by provisions not in themselves liable to solid objections.

But I by no means rest the necessity of the present bill on the glaring and offensive increase of parliamentary divorces. I do not even rest it on the representation so eloquently made to you by my learned friend, on the part of the highest legal authorities, all concurring in an opinion; that the prevalence of adultery is become a dangerous and scandalous evil, calling loudly for some restriction and remedy, more especially with respect to those collusions by which the criminal parties derive gratifications and worldly interests from the result of crimes. Still there are other grounds on which the expediency of this bill may well be defended;

* See vol. 17, p, 135.

† See vol. 20 p, 601.

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I allude, my lords, to circumstances evident to all who can turn their eyes with unprejudiced attention towards the known system and scenery of modern societies. I allude to circumstances which may be imperceptible to the visual nerves of a chosen few, and no euphrasy or rue that I can administer will bring the object within their contemplation. The nature of these circumstances, and the relaxation of mind and morals which accompanies them, is forcibly and beautifully described by one of our poets, in a passage so singularly applicable to the present discussion that I beg leave to avail myself of it:

"Domestic happiness, thou only bliss
Of Paradise that has surviv'd the fall!
Forsaking thee, what shipwreck have we made
Of honour, dignity, and fair renown;
Till prostitution elbows us aside
In all our crowded streets; and senates seem
Conven'd for purposes of empire less
Than to relieve th' adultress from her bond.
Th' adultress! what a theme for angry verse!
What provocation to th' indignant heart
That feels for injur'd love! But I disdain
The nauseous task to paint her as she is,
Cruel, abandon'd, glorying in her shame!
No. Let her pass, and charioted along
In guilty splendor, shake the public ways:
The frequency of crimes has wash'd them white;
And verse of mine shall never brand the wretch,
Whom matrons now, of character unsmirch'd,
And chaste themselves, are not asham'd to own.
Virtue and vice had bound'ries in old time,
Not to be pass'd. And she that had renounc'd
Her sex's honour, was renounc'd herself
By all that priz'd it; not for prud'ry's sake,
But dignity's, resentful of the wrong.
'Twas hard perhaps on here and there a waif,
Desirous to return and not receiv'd,
But was an wholesome rigour in the main,
And taught th' unblemish'd to preserve with care
That purity, whose loss was loss of all.
Men too were nice in honour in those days,
And judg'd offenders well. But now—yes, now
We are become so candid and so fair,
So lib'ral in construction, and so rich
In Christian charity, (good natur'd age!),
That they are safe: sinners of either sex
Transgress what laws they may."*

When I recollect all the exertions which within these few years have done so much honour to the wisdom and public spirit of this House, and have contributed so essentially to the public security and prosperity, I cannot allow myself to suppose that we even seem to meet in this place, not so much for the great concerns of the empire, as for the nauseous and disgusting purpose of divorce bills. Still, however, and in point of fact, it happened to your lordships in the last session to be specially summoned for those purposes near forty times in the order of your proceeding on twelve bills of divorce. Justly also might the poet inveigh against that "liberality of construction" with which women of untainted virtue and character are encouraged to speak of adultery and its consequences; forgetting the dignity and delicacy of their sex in the unprincipled jargon of well-bred vice, and in masculine and unblushing allusions to libertinism and crime.

But the jargon of the day, though in itself a symptom of increasing depravity, has no possible influence on the enlightened minds of those who now hear me. Convinced as I am that doubts respecting the expediency of the bill are the sole cause of our difference, I wish to bring those doubts to a short and fair examination. I do not, however, feel myself called upon to defend the clauses which provide for the punishment of the seducer. The objections made to them have been so few and so indefinite, that I consider that part of the bill as almost unanimously adopted. And certainly, though opinions may vary as to the mode of prosecution, the nature of the punishment to be applied, and the parties to whom prosecution and punishment should be restricted or extended, it is not easy to argue, that a crime subversive of morality and religion, and of the good order, happiness, and rights of civil society, shall not be subject to our criminal jurisprudence. I dismiss, therefore, this part of the bill, after thanking the learned lord who prepared it, for the great and lasting benefit which he has conferred on his country. I ought also to thank the opposers of the bill, to whom the merit of originating the clauses alluded to exclusively belongs. They called loudly for those clauses, and we have listened to their call. Indeed, I had hoped that this material addition to the bill would have suspended all opposition, and that the punishment of the seducer would have been received as compensating and justifying the restraint imposed on the seduced. Unhappily, the wish still prevails to reject what I believe to be the most material part of the bill, and to leave the

* Cowper's Task, b. iii.

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adultress not only without punishment, but to facilitate to her the means of marrying the convicted partner of her adultery.

And here, my lords, before I examine the arguments by which the propriety of such marriages has been recommended to us, allow me to advert to a doubt which has been started respecting their legality. It is one of the canons ecclesiastical of 1603, and a law still in force, that in all sentences of divorce *à thoro et mensâ*, "bond shall be given by the parties so separated, that they shall not, during the life of each other, contract matrimony with any other person." It is equally well known, that parliamentary bills of divorce, though they purport to dissolve the marriage in general terms, confine to the injured husband only the authority given to contract a new marriage; making it lawful "for him to marry again, and declaring that the children born in such matrimony shall be legitimate." There is no similar provision for the future marriage of the divorced wife. It seems more than probable, that, in the early instances of these divorces, it was not supposed or adverted to, that the permission to contract a new marriage could extend to the adultress. But the subsequent and long acquiescence seems to have established such marriages, or at least entitled them to be established if any doubt should arise respecting their validity. It is indeed difficult to understand how a marriage can be dissolved as to one of the parties, without being equally dissolved as to the other. And I would rather conclude that divorce bills, as now worded, though purporting to relieve only the injured party, are a complete dissolution of the marriage; of which dissolution the adultress may legally avail herself, unless restrained by some general act, or by some special clause. By a general act, I mean the provision now under discussion, or the law precisely to this point which has prevailed in Scotland ever since 1604, and under which the crime of adultery is certainly less frequent in that part of the kingdom than in this. By a special clause, I mean the proviso which it will be in the power of parliament, by a standing order, or by habitual practice, to declare and insist, shall be annexed to divorce bills, if the measure now proposed should not pass into a law.

And now, my lords, I come to the clauses which alone are disputed, and to which the epithet "abominable" continues to be applied; though not indeed with peculiar propriety, or with due respect towards ourselves. The leading objection seems to be, that, by restraining the intermarriage of the offending parties, the woman is put out of the protection of the only man to whom she can look up to preserve her from degradation and infamy; and that she is placed in the alternative between celibacy and libertinism. Some noble lords have been pleased to add, that she is thereby forced into a state of prostitution. Is it, then, a conclusion to be avowed, admitted, tolerated, and sanctioned, in plain and course English, that whenever a woman shall think proper to prefer another man to her husband, your lordships, the hereditary guardians of the welfare and well-being of the people, are to contaminate the trust reposed in you, and to say to such a woman—"Your plea is, or at least such is the plea of your officious defenders, that if you may not be permitted to form a second contract with the man by whose seduction you have broken your first contract, you must naturally and necessarily abandon yourself to prostitution. Your plea is most unprincipled; your passions are most depraved; but you shall be gratified. You have broken a sacred and solemn vow, made in the presence of your family and friends; but we will enable you, by a legislative act of ours, to go back unblushingly to the altar, which you ought to approach with agony and horror. Come again to us as soon as you shall feel disposed to quit this second husband, and to take a third: we shall be ready *toties quoties* to authorize you to change the partners of your iniquity:"

Quæ nubit toties, non nubit; adultera lege est.
Offendor mœchâ simpliciore minus.

My lords, if the claim may not fairly be carried to this extent, it is false, and good for nothing. The mere statement is so disgusting, and so degrading to the sex which ought to be the object of our just pride and affectionate protection, that I shall quit it without farther remark.

I must, however, again and again remind your lordships, that this struggle is not made for any system of remedial law, indiscriminately applicable to the community at large; but for the opulent class of adulterers and adultresses, who, by the expensive nature of the proceeding, are alone implicated in divorce bills: and this particular dispensation is still farther con-

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fined in most cases to individuals who have the least claim to any indulgence. Let us suppose that a woman shall have betrayed the best of husbands; that she shall have broken and destroyed his happiness; and shall have brought dishonour and distress into his family; a woman without excuse or palliation for her misconduct! Such a woman is sure to have the benefit of our special interference, because we cannot hesitate to give relief to her injured husband, and she is allowed to avail herself of the terms in which that relief is given.—But take the other case: let us suppose that there are many circumstances of extenuation; that the unfortunate female has been made to live amidst scenes of debauchery and profligacy; that her husband has connived with her seducer; that he has sold her person; that he has driven her from his house and protection. Such a husband cannot obtain a divorce bill (at least our "liberality of construction," our "Christian charity," do not yet go quite so far). In this case, the woman, though hardly criminal, has no relief, but wanders an outcast from society, to be laughed at by the gay and splendid adultress, whose aggravated guilt shall have secured to her the means of marrying her seducer.

I protest, my lords, that this whole proceeding is so repugnant to my feelings, and at the same time so absurd, that I listen with astonishment to those who defend it. I see no grounds on which it rests, except on an unprincipled claim to favour a certain class of society; to "fashion wickedness by law;" and to elevate crime into contract. And all this (in the instances especially where the crime is attended with the greatest aggravation) contrary both to moral principle, and to the practice of other nations, from the remotest antiquity to the present time; contrary to the express law of another part of the kingdom at this day; and even contrary to our own subsisting law: for all the arguments used respecting the alternative in which the woman is said to be placed, apply as strongly against divorces *à thoro et mensâ*, as they do against the restrictions in the bill which we are debating. — This is not a question to be decided by sentiments of indiscriminate compassion. Hard, indeed, must be the heart which can be insensible to the distresses of a woman, whatever may be the cause. But, in looking with an eye of pity to the sufferings of a criminal, it is a paramount duty to look also to the tendency of the crime, and to the necessity of example. We must not tamper with the essential principles of social order. It has been urged, however, that in several instances the intermarriages to which I object have been followed by a course of life well entitled, in every point of view, to esteem and respect. My lords, I know, and I admit, that such cases have occurred within the observation of us all; but I know, also, that a wise legislature will not wish to form and multiply a sect of individuals, whose fall and subsequent rise in the estimation of mankind can tend only to give a false estimate of principles. Unfortunately, it would be a sect not content with the exclusive enjoyment of the privileges which itself had obtained, but, like other sects, would be naturally active in multiplying the number of its proselytes. It would consist of persons, the elegance of whose manners, and whose attractive habits of life, would be well calculated to fascinate and corrupt the pure minds of others, and to create an opinion that there is something worthy of indulgence and admiration in the practices and consequences of a steady, grave, and well-regulated adultery. It would be actively and necessarily at work to subvert every sentiment of conjugal fidelity and female chastity, and would corrode and extend itself like a cancer over the fair bosom of civil society.

My lords, I feel anxious to resist any imputation of rigour. God forbid that we should adopt the harsh laws of other countries! The Mosaic law directed, that, "both the adulterer and adultress should surely be put to death." And the same severity extended itself over Asia and Europe through many centuries. The punishment of adultery by the Roman law varied at different periods, but was frequently capital. In the Digest there are provisions similar to the clauses which we are debating. The strictness observed on this subject by our ancestors the Germans is well and forcibly described by Tacitus: "Ergo septâ pudicitiâ agunt nullis spectaculorum illecebris, nullis conviviorum irritationibus corruptæ. Paucissima in tam numerosâ gente adulteria, quorum pœna præsens, et maritis permissa. Publicatæ enim pudicitiæ nulla venia: non formâ, non ætate, non opibus maritum invenerit. Nemo illic vitia ridet: nec corrumpere et corrumpi sæculum vocatur." Tacitus, who was of the con-

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sular rank, alludes here, and with just indignation, to the vices of the higher ranks, and to their affectation of justifying habitual outrages to decency as being the fashion and ton of the day, "corrumpere et corrumpi sæculum vocatur." He felt with his cotemporary Juvenal who had exclaimed:

Velocius ac citius nos
Corrumpunt vitiorum exempla domestica magnis
Cum subeunt animos auctoribus."

But these investigations serve only to show the mildness of the system which we are pursuing; it is not even proposed by this bill, as at present constituted, that the female offender should be subject to any punishment. All doubtful provisions have been avoided; and therefore also the question has been left for future consideration, whether the means either of prosecution or of divorce should be given to the injured wife?

I have omitted to state a dilemma to those who object to the clauses in question. Will they go so far as to argue, that in all cases of adultery it is right and expedient to facilitate, or even (as some have said by way of sarcasm and epigram) to compel the intermarriage of the offending parties? The easy interchange of wives prevailed during two or three years, in that distracted country, whose terrible example we have had before our eyes; and it became no exaggeration to assert, that the ceremony of marriage resembled the intercourse of "brute beasts which have no understanding." There is not an individual in this House, whose mind will not revolt against any propositions of such a tendency. Is it, then, the wish to take the other branch of the dilemma, to confine divorce bills within the present bounds, and to give permission of intermarriage between offending parties to the opulent only? My lords, this is a position which will not bear the light; it becomes a code of adultery for a privileged cast; it holds out, in many cases, to the adultress, the means of acquiring a great advance in rank and property by her crimes. In the place of contrition we see triumphant and bare-faced vice. The compassion of all moral men changes to indignation when such things happen.

Having disposed of the adultress, let us now turn to her seducer. "With respect to him," say the noble lords, "the clauses in question cannot fail to operate as a premium and encouragement to adultery. You release him from his bond, when you refuse to release the adultress from hers. You release him from an honourable obligation, the foreknowledge of which now deters and restrains him." What, then, is the nature of that supposed obligation, by virtue of which, in the event of detection, or in cases of bargain or collusion, the adulterer is to come to this bar by counsel for the adultress, to act the part of a defendant smarting under penal damages, in order to forward the divorce bill, which is to enable him to marry the adultress, and honourably to share her dishonour? The mere statement of the question shows the corrupt nature of the transaction, which is weakly defended by unsound reasonings resulting from unsound reasonings. As to the adandoned seducers, and those who seek only to multiply the victims of their profligacy, I will rather trust to the chastisement of law than to the influence of fashion. But, admitting that there may exist in the breast of others that anomalous sort of honour which is here adduced, that non-descript plant in the pleasure garden of modern morality, I should infer, that a man possessing sentiments which have a relish of honour, would rather be deterred than encouraged by the reflection that he can no longer make any reparation. Is it not this hopelessness of marriage, the honourable necessity of which is not extended by the fashion or practice of "this good-natured age" to the seducers of unmarried women; is it not this very hopelessness of all reparation which continues to make seductions so rare in that class of life, in which the seductions of married women are so frequent?

But I cannot comprehend the sort of honour which would be influenced by the obligation contended for, and yet would proceed coolly and deliberately to debauch a married woman: to entail a sense of shame on her innocent children, to deprive them of their natural protection; to give offence and disgust to society; to rob a friend of his happiness; and to destroy the fair pride and domestic peace of a whole family. I cannot comprehend this strange casuistry, this sophistry of sin, as applied either to the woman, to whom the noble lords wish to secure the means of deriving benefit from her crime; or to her seducer, who is to be discouraged by the implied obligation which I have thus analyzed. In favour of

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such doctrines I cannot, with my incompetent knowledge of the world, frame any argument which would not tend to bewilder my own understanding and the understanding of others, in a vain endeavour to palliate vice, and to countenance the vicious. It is a sort of threatening letter in behalf of crime, when we are informed, that, unless the seduced and seducer shall be permitted to have their vices of the precise colour and tint which they prefer, we must expect them to commit vices of a deeper dye and enormity. We cannot compromise with wickedness; all morality would be thrown off its hinges, if such arguments could be used with effect; they are of a nature to undermine the whole fabric of justice with respect to every crime that can be committed. But the new clauses which I have this day introduced, will furnish the best answer to those who are apprehensive that the bill may operate as an encouragement to adultery. When your honourable men of gallantry shall have perused these clauses with attention; when they shall have well considered the impending prosecution and its consequences; when they shall see, fairly balanced, the different parts of the bill; I do not believe that they will feel themselves encouraged.

My lords I really am ashamed to have dwelt so long upon a subject which is so clear and so plain in all its views and bearings. I have done so from respect for those from whom I differ. I have no want of a right charity in favour of the infirmities of our nature, on the other hand, I have no pretensions to enforce against those infirmities any strictness of correction beyond what is equally wished by the noble lords, who oppose me. We differ only as to the means and the necessity of employing them. I have little confidence in the accuracy of my own opinions; but certainly on this occasion I derive great confidence from the support with which I am honoured, and of which I should be unworthy, if I did not exert myself in a cause so supported. I now leave the bill to its fate, but with an opinion deeply rooted in my mind, that, if it should not ultimately be adopted, a severe and serious wound will be given to the good order and well being of society. And let me not be told by those who oppose the bill that I have placed them in a dilemma between the acceptance of a law which they disapprove, and the resulting encouragement of a crime which they abhor. I have repeatedly explained that the subject of this bill (which I support, because I think it right, though it did not originate with me) was first brought into discussion by those whose arguments I have endeavoured to answer. Such is the wisdom of parliament, such are the right feelings of the public at large, that whatever may be proper to be done will be done at last, though temporary misconceptions may prevail. And here I submit the whole to that venerable bench, whose duty it is to maintain the purity of religion: to the great and learned characters, whose duty it is to maintain the purity of law; and to your lordships in general, who are interested and disposed to maintain the purity of married life, and of domestic happiness.

Lord *Mulgrave* said:—My lords; before I address your lordships in answer to the arguments urged in support of the bill, I feel it incumbent upon me to take some notice of the general style and tenour of those arguments, because they seem to imply an impression on the minds of the noble lords who adopt them, that all those who are adverse to the provisions of this bill must be protectors of vice and favourers of the crime of adultery. And although a noble baron has in terms admitted that it would ill become him to deny the same rectitude of intention to the opposers as that which distinguishes the supporters of the bill, yet even in the general tenour of his speech somewhat of the same impression manifests itself; else wherefore those trite and obvious censures of a crime, the immorality of which nobody palliates, the evil tendency of which nobody denies; wherefore that question of astonishment, "How can it happen that a body of men so constituted can exhibit a great schism and diversity of opinions respecting a question dependent on the evident and immutable principles of justice, morality, and religion;" but because the noble baron cannot separate a difference of opinion upon the wisdom of his proposed alteration of the law as it stands, and a difference upon the immutable principles of morality and religion? Indeed, the noble lord goes a little further in his implication when he speaks of a public depravity of morals, which "may be imperceptible to the visual nerves of a chosen few, and no euphrasy or rue that he can administer will bring the object within their contem-

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plation." In support of this figure the noble lord reads to the House a long string of verses, containing, not only an exaggerated misrepresentation of the general morals of the country, but a coarse and unfounded libel on the dignity and conduct of this House. I give the noble lord credit for having been dazzled by the brilliant clothing of sonorous words, and misled by the favourite name of a distinguished poet, or he would not, I am convinced, have addressed to your lordships that which, if it should have been offered to the public in the plain shape of a prose paragraph, with no greater sanction than the name of a printer or publisher of a newspaper, would have brought the author to your lordships bar, and justly subjected him to a rigorous punishment for a gross and criminal misrepresentation of this House of Parliament. What, my lords, is it in these times, and in this parliament that we are to be told that "the senate seems convened for purposes of empire less, than to relieve the adultress from her bond?" Is it to a house of parliament, whose vigilant wisdom and dispassionate energy have been so constantly and so effectually exerted in contributing their full share to those greatest purposes of empire, the preservation of the state, the maintenance of the constitution, the support of his majesty's auspicious government, and the general security of the people, against the formidable attacks which have been made upon all those vital objects by the active principles and destructive machinations of foreign and domestic Jacobins, that such an imputation is to be applied? The other member of the poet's aspersion comes also but ill from the noble lord who brought in the bill, as addressed to the majority who have hitherto supported it; for they at least appear at all events, determined not to relieve the adultress from her bonds: and it is upon that point, and not upon the nature of the crime, that those who oppose the provisions of the bill as objectionable, are at issue with those who think them salutary.

My lords, I most cordially assent to the principle of the bill, and it is therefore that I object to the provisions of it; because they appear to me to counteract the professions of the preamble, and to usurp the title: the bill would be more properly described as an act for the more effectual promotion of adultery, and for the better propagation of bastardy. I object to it, because it is the reverse of what every penal statute ought to be; it is impotent for prevention, but oppressive and impolitic in punishment. The principal ground upon which the supporters of the bill recommend the provisions against the marriage of the woman after divorce is, the assumed fact that a promise of marriage is the great means of seduction on the part of the man, and the principal inducement to the commission of the crime on the part of the woman. To justify a law pregnant with such evils, as I assert this bill to be, the ground on which it rests must be assumed not as partial and occasional, but as general at least, if not universal: such an assumption, however, in this instance, would be repugnant to reason, and contrary to all experience. It is reasonable to suppose that a seducer will commence his attacks upon the virtue of a woman of a cultivated mind, and in a respectable situation in life, with detailing to her the circumstances of disgrace and degradation which will be superadded to the shame of detection? Would it be consistent with common sense to hold forth the probability of that detection as the natural consequence of her compliance? He would be indeed a clumsy seducer who should submit to the consideration of a woman, in the first instance, the unequal balance between the measureless sacrifice he was urging her to make, and the poor, degraded, and secluded reparation which he could offer to her wounded reputation. Unfortunately, the arts of seduction are too well understood, to be so conducted; less palpable and more ingenious modes are pursued: and I entertain too high an opinion of the delicacy of feeling, even of those unhappy victims amongst my countrywomen who are artfully seduced from the paths of virtue, not to be convinced that such a broad and brutal proposal of speculative disgrace would be their best protection, and that they would spurn at the prospect with contempt and horror. Put the same supposition into a different line of seduction, and in a less cultivated and refined rank of female life, and the fallacy will be manifest of the only ground on which this bill can be instrumental to the prevention of the crime of adultery.

If I were to introduce to your lordships a bill for the suppression of the Magdalen Hospital, and to render all such institu-

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tions illegal in future; and if I were, in support of such a bill, to argue that the shocking depravity and disgusting misery of the swarm of unhappy prostitutes who infest our streets, had arisen entirely from that impolitic and over indulgent institution; if I were to state that idle and dissolute fellows made that retreat the means of seduction, by stating to the innocent girl whose virtue they were attempting, that although the act she was urged to commit would be followed by detection, by disgrace, by the loss of the esteem and acquaintance of all those with whom she had been accustomed to live, and by separation from her family for ever; yet that all this would be amply compensated by his having sufficient interest to obtain her a situation in the Magdalen Hospital, where she would learn an honest mode of gaining her livelihood, her character be retrieved, and that she might perhaps be even restored to her parents; and should I further argue, that he might with truth add, that this was no idle speculation, because near three thousand unhappy women had been retrieved from vice, and restored to honest industry by that institution; would any one of your lordships receive this argument as a sufficient ground on which to build a law for the suppression of that charity? Would any one of you believe that such an argument ever did, or ever could influence a woman the most ignorant and depraved, to sacrifice her chastity? And if the supposition be shocking and absurd in the less delicate and less refined class of females upon what ground of reason or common sense can we conclude it to be ordinary and habitual amongst those who have more enlarged ideas to guide them, greater and more apparent sacrifices to check and deter them? I confess I cannot discover any difference in the two cases; and I do not believe that, in any instance, the prospect and intention of future marriage has preceded the seduction, or influenced the attachment of a married woman to her paramour. If, therefore, the mode of seduction be not such as the bill presumes, it will not operate as a prevention, as far as it attaches upon the woman; but, on the other hand, it will operate as an encouragement to the crime, and as an act of indemnity to the unprincipled man of intrigue, whose study and occupation are principally engrossed by the arts and practice of seduction. He will be relieved from the impending dangers of matrimony in the event of detection; the law will be his excuse for abandoning the woman on such an event; and the legal infliction of fine and imprisonment will be light in comparison of the penalty of matrimony, which they have now to apprehend from the tribunal of public opinion.

The effect of the law will be different with men of a different description. Many, who, urged by the violence of their passion, and a reprehensible attachment, have violated the laws of morality and religion by the crime of adultery, may notwithstanding have feelings of tenderness and sentiments of honour still remaining, which will naturally urge them to make every reparation in their power to the disgraced object of their illicit affection: marriage, as the law now stands, constitutes that reparation; and has, in fact uniformly operated a reformation of morals in the woman, and produced an exemplary wife, atoning (as far as atonement is possible) for her former crime, by a rigid propriety of conduct, and a ready submission to that exclusion from the gay circles of general society which her former misconduct has incurred. On the other hand, all those who have not been married to the man of their affections, for whom they have sacrificed their honour, have become the most dangerous and scandalous of prostitutes; dangerous from the advantages of polished education and elegant manners, which enables them to engage the attachment of young men first entering into life, to withdraw them from serious and honourable pursuits, and plunge them into dissipation and extravagance; and scandalous to public morals, by a bold and brilliant ostentation of affluent vice. The effect, therefore, of the bill, if it should not operate as a prevention of the crime of adultery (which I have already argued that it will not), must, in my conception, be, to add to the number of the latter description of women, by totally putting an end to the former.

This conclusion, however, is denied by a right reverend prelate, and he has told your lordships that there yet remains a resource to the woman divorced for adultery, to which she may look with confidence, if her subsequent conduct be decent, reserved, and exemplary:—"The bill," says the right reverend prelate, "wisely and justly precludes the adultress from contracting marriage with her paramour; but there is nothing to preclude her union with some third person, who

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having watched her exemplary conduct, her rectitude of life, and due observance of religious duties, may entertain an expectation of happiness with a woman so conducting herself; and with him she may receive the reward of her repentance and good behaviour." I can have no objection to such an event, if it were to take place; but, urged as an argument in favour of the prohibitory clause of this bill, I cannot admit the case to be sufficiently probable to justify the passing the bill, or very likely to influence the moral conduct of a woman divorced from her husband, and prohibited marrying with her seducer. Women have certainly been frequently encouraged not to despair of marriage, notwithstanding any defects in their person:

"There swims no goose so grey but, soon or late,
"She finds some honest gander for her mate."

But how far such expectations could rationally be indulged under the disadvantage of defects in their reputation, is a matter of much greater doubt; and I should apprehend, that but few matrimonial speculators would be found to restore a lady under such circumstances to the duties and comforts of matrimony. I must, therefore, notwithstanding this expedient, continue to consider the marriage of the woman as absolutely precluded, though not positively prohibited, by this bill; and that she is therefore reduced either to a more general practice of dissipation and vice, or to take refuge in the arms of her seducer, if he retains such a sense of honour as to feel it incumbent upon him to afford refuge to the person driven, by his act, from the protection of her family, from the society of her friends, and deprived of the notice and estimation of her whole circle of acquaintance.

Here the alternative is again combated, and I am told that still another path remains for her to follow — retirement, solitude, moral meditation, and religious repentance, at a distance from the society which she has offended, and from the friends and relations whom she has sacrificed. To this also, abstractedly, I have nothing to object; but your lordships, in legislating for society, must consider the nature of the individuals who compose that society, and will feel yourselves bound to enact laws upon views that can be expected practically to operate. Upon this ground I will ask your lordships, whether this path is one likely to be followed by any young woman of lively disposition, strong passions, habits of dissipation, and love of pleasure? Can your lordships expect from such persons, strength of mind to undertake, or perseverance to profit by such a scheme of reformation? Is it not almost certain that a person of the description I have stated will rather fly to her old habits of dissipation to dispel the gloom of sorrow and the stings of remorse, than look for consolation in abstraction; and that she will rather take refuge in the thoughtlessness of vice, from the momentary pangs of solitary shame, than with a vigorous and steady mind look forward to more distant and more substantial happiness through persevering humiliation and self supported repentance? I cannot speculate on such sublime exertions from so light a character, and must therefore, consider the alternative as I have stated it. The bill, upon this view of the subject, directly counteracts its own professed purpose, and will produce the promotion of that which it professes to prevent. There is a well known story of the reply of a judge to a criminal complaining of the great disproportion between the crime he had committed and the punishment that was about to be inflicted upon him, for stealing a horse; that "he was not condemned to be hanged for stealing a horse, but that horses might not be stolen." Although the effect here proposed, of preventing horse-stealing, has not been generally produced, the future perpetration of the crime, as far at least as the individual criminal is concerned, will be prevented; but the bill of prevention now under consideration will have a diametrically opposite effect, and will tend to perpetuate the commission of the crime by the person who is the object of its provisions. The best that can be hoped for the sake of public morals is, that the practice of the crime will at least be confined to the original seducer; the real and heavy penalty will fall upon the children: they will be the suffering victims of the law, and have reason to curse the provisions by which they are cut off from all rank in the body of subordinate society; *nullius filii!* debarred all right in customary claims by inheritance, holding no name but by concession, no relationship but by courtesy, no property but by donation: these, my lords, are the certain penalties inflicted on the unoffending children, by the pre-

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carious project of reformation attempted by this bill.

Much has been pathetically urged on the importance of guarding the morals of the rising generation, by preventing the daughters from looking with indulgence on the crimes of their mother, in consequence of seeing her placed in a situation of some degree of respect as the wife of her seducer. I will ask your lordships whether the danger of injuring the morals of the rising generation would not be much greater from the situation in which this bill is likely to place the woman divorced from adultery; and I will take successively all the relations under which her children can be considered.—First, as the offspring of the injured husband: if the conduct of the mother be decent and reserved, she will become an object of compassion and interest to her children, rather than of contempt and disgust; and her conduct will interest such feelings even the more in proportion as the rigour of the law has degraded her from that rank in moral estimation which marriage might have given; and may teach them to consider her offence in the light of an error, rather than of a crime, and the penalty of her situation as too severe a punishment. If, on the other hand, the prohibition of marriage shall have been followed by the desertion of the seducer, and consequent misconduct of the woman, the character of the mother will inevitably (however unjustly) operate to the disadvantage of the daughters, and perhaps deter many discreet men from seeking them in marriage.—Take, next, the situation of the daughters of the woman, born after her divorce: on them the infliction will fall with peculiar weight. Bastardy is of little comparative consequence to the male children; they may obtain rank by their professions, and their consideration in the world will depend upon the exertions of their minds, and the character of their conduct; but the daughters have to struggle with every disadvantage from their rank in life. With respect to the important consideration, on which so much has been said, of the influence on their morals from early impression, the most zealous supporter of the bill must feel the almost incalculable difference between the example of a mother living with the name and in the state of an adultress, and of a wife feeling by herself, and fearing for her child, all the incurable evils of a deviation from chastity, and therefore the more rigidly performing, and the more earnestly inculcating, a strict adherence to propriety of conduct, and an exalted sense of the value and importance of virtue.

I come now, my lords, to an observation which has been made in answer to the objection stated to the bill, as bearing with peculiar severity on the less culpable party, by inflicting a lasting disgrace, a heavy and unceasing punishment on the woman, whilst it leaves the seducer in possession of his rank in society, and at liberty to practise his arts upon some other victim of his profligacy. The observation which has been made in answer to this objection is, that in fact no punishment is inflicted upon the woman, but that she is merely left in the situation into which she has brought herself. My lords, it is not easy for me to express the astonishment with which I have heard this remark made, and repeated with that sort of mild complacency and confident tone with which plain axioms and established principles may be brought to the recollection of disputants deviating from them. Is it then to this assembly, is it in this country, is it to the professors of a religion by which we are taught that "the death of a sinner is not desired, but rather that he should turn from his wickedness and live," that such an observation can be urged as conclusive, or even as admissible? What, my lords, is the situation to which these unhappy women have brought themselves? What is the situation, in which we are required to be contented to leave them? A state of degradation and sin! Is it consistent with the principles of law, is it consonant with the dictates of humanity, is it allowed by the precepts of religion, to leave the victims of errors, or even the suffering criminals, in the situation in which they have placed themselves, withholding the means which might operate to retrieve them from despair, and restore them to virtue?

Much has been said upon the necessity of this bill, as resulting from the present state of society in this country, and the progressive corruption of morals which is inferred from the number of divorce bills brought into parliament during his majesty's reign. However disposed I may be to check the practice of a crime so injurious to the happiness of families and to the general morals of society, I am not prepared to admit that the evil is increasing: on the contrary, I believe that, in

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point of general morality, society is in a better state than it has formerly been in this country; sure I am, that it is in a better state than it is in the countries where divorces are impossible. The increased number of divorce bills appears to me to lead more naturally to a conclusion, that a greater degree of vigilance on the part of husbands, and a more nice jealousy of the conduct of their wives, prevail at this time than in former periods. Compare the general feelings of society in this and in foreign countries upon this subject, and you will find the misconduct of a wife a matter here of observation and of general discussion; that domestic happiness passes unobserved, as a thing in the ordinary course of manners; and that there is no character so much an object of general contempt, as a husband who carelessly overlooks, or basely connives at his wife's irregular or vicious behaviour, because he thereby becomes the willing partner of the dishonour from which he might be delivered, and a convenient veil to the vice of one, whom every feeling of honour and delicacy, every sense of his duty to his family and to posterity, should urge him to cast from his bosom, and separate from his name; a relief which the wise and benevolent practice of the legislature of this country has hitherto sanctioned and administered. In foreign countries, where divorces are impossible and marriage is indissoluble, the reverse in every instance occurs; a happy marriage is a matter of some surprise, as well as praise; it is a pretty romantic occurrence for discussion: whilst the difference of conduct creates no schism in society, and the virtuous wife lives without scruple or scandal in the society of the lady who has an attachment. A husband, on the other hand, who should be anxiously vigilant, or importunately jealous, would be an object of general ridicule; he would be represented as "un homme intraitable," a boor, unfit for society, and unaccustomed to the manners of the world—

Rusticus est nimium, quem lædit adultera conjux
Et notos mores, non satis urbis habet.

The character, however, is one that seldom occurs. The maxim, that "things without remedy should be without regard," is pretty generally adopted; they usually avail themselves of the convenience of a joint establishment, and console themselves elsewhere for the circumstance of divided affections. Do I therefore, my lords, attribute this difference of feeling, on so delicate a subject, to any disparity between the general sentiments of honour and propriety in other countries and in this? By no means; for on other occasions as high and scrupulous a sense of propriety is entertained by foreigners as by ourselves. I attribute it to the advantages arising from the power of parliament to grant a divorce in certain cases; and therefore, I draw this inference from it, that the calculation of the number of divorces is not of itself a proof of deterioration of morals; for it still remains to be proved, that adultery is more frequent, and public manners more depraved, since the increase of parliamentary divorces has taken place. The reverse of this conclusion, I believe, will be found to be the fact.

My lords, there is another part of the subject involving in it considerations of comprehensive importance. A right reverend prelate has asserted, that a woman divorced *d vinculo matrimonii*, commits adultery, let her marry whomsoever she will, whether her seducer or any other man. My lords, if this doctrine be true, more is at stake than is comprehended in the prospective provisions of the present bill. I have even heard a doubt whispered, of the validity of marriages contracted by women under such circumstances, and of the security of inheritances deriving through them. My lords, this is a question of too serious magnitude to be solemnly averred, and then suffered to rest in doubt and uncertainty. I trust and believe that the doctrine is erroneous: at all events, the question must be considered, and the evils averted, if indeed they are impending. I should not venture to discuss a question comprehending in it so much of canon law, and of the law of God, with a person of the learning, weight, and authority of the right reverend prelate, if I did not feel myself supported by great and powerful authorities on the other side. I have not only the incidental and implied authority of another right reverend prelate, who recommends a marriage with a third person, but I have the positive and express determination of the point by the great author and martyr of the reformed church of England, assisted by the bishops of Durham and Rochester of that day, and by the most learned divines and civilians of a period, when the true doctrines of the gospel and the right interpretation of the

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Scriptures were matters of the earnest and unremitting attention of pious and learned men. The decision of this delicate point, by the persons I have mentioned, is expressly declared by them to be confirmed and pronounced by the law of God; the ground and object of that decision, as far as it bears upon the provisions of this bill, I conceive never to have been done away by any subsequent decision or practice in cases of divorce. By the ancient canons of the church of Rome, as your lordships know, marriage was deemed a sacrament, and could not be dissolved except by some canonical cause of impediment existing before the marriage, such as consanguinity, &c. At the period of the Reformation in this country a different doctrine was held upon the subject, after the most laborious investigation of the matter; in the course of which Cranmer himself searched into the opinions of the fathers and doctors so copiously, that his collections upon the question grew, as bishop Burnet states, into a large volume. The case which gave rise to this investigation is curious, and applies, in my apprehension, essentially to the point on which I have solicited your lordships' attention. The marquis of Northampton having been divorced from the lady Ann Bouchier, his first wife, for adultery, a commission was appointed at the beginning of Edward 6th's reign, at the head of which archbishop Cranmer was placed, to try whether the lady Anne was not, by the word of God, so lawfully divorced that she was no more his wife; and whether, thereupon, he might not marry another. The patience and perseverance of the archbishop in the examination of authorities, and in the composition of his large volume on the subject, so far exceeded the patience of the marquis of Northampton in waiting for a wife, that he solemnly married the daughter of Brooke lord Cobham before judgment was given upon the legality of such marriage. He was, however, separated from his new wife till the decision of the delegates should be given. Bishop Burnet then adds a copious extract of the opinions of the Fathers, with which I will not trouble your lordships. In conclusion, the whole was divided into eight queries, which were put to some learned men: who they were does not appear; but I venture to believe, that no names could add to the weight and authority they derive from the archbishop of Canterbury and his learned coadjutors having (after all their own laborious investigation) formed their decision of the case upon the answers which they delivered to these queries. Upon the first questions they determined that the act of adultery constitutes an actual dissolution of the marriage bond; and decided against the legality of a separation *à mensa et thoro*. The sixth is the question which particularly applies to the object of this bill, and it is stated and answered as follows: "An etiam uxor, repudiata propter adulterium, alteri poterit nubere? Ad sextam respondemus; quod repudiata propter adulterium, quia uxor repudiantis desiit esse, ob idque libera est sicut aliæ omnes post obitum virorum possunt aliis nubere; æquo jure juxta illud Pauli, si non contineant, contrahant matrimonium." Upon these answers to the queries the marriage of the marquis of Northampton was declared valid. He was, however, advised, four years after, to have an act of parliament to confirm his marriage; which act was repealed in the popish reign of queen Mary. The decision on the marquis of Northampton's case established a precedent, which continued to be considered as law till the last year of the reign of queen Elizabeth, when the case of Foljambe (upon the validity of his marriage to a second wife, after his divorce from the first for adultery) came to be tried in the court of star chamber, where the temporal judges declared the second marriage null, because it was only a divorce *à mensâ et thoro*, and because archbishop Whitgift affirmed, that several grave divines and civilians, whom he had assembled at Lambeth to consider that point, did all agree that the marriage was void.

My lords, I am not much disposed to quarrel with this decision, which has since guided the constant practice of the ecclesiastical courts, and is indeed consistent with the canon law as it now stands; but I must observe, that this decision was made upon the ground of the old canon law, which was to have been altered by the thirty-two commissioners appointed by the act of Henry 8th to reform the canons of the church of Rome: and which, by the last clause of that act, were provisionally established until it should be otherwise ordered and determined by the two and thirty commissioners. This canon law of the church of Rome never having been reformed, continues to this day to be the law of our ecclesiastical courts;

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the *Reformatio Legum*, composed by Cranmer, and some of the most learned men of his time, having been cast aside and forgotten, on the accession of Mary and subsequent murder of Cranmer. I am, my lords, no friend to the spirit of heavy penalties, in which the *Reformatio Legum* was composed; it may suit the ideas of those who think that by one deviation from the strict rules of morality, that for one infringement of the divine law, a man forfeits every sense of virtue, and every claim to the attributes of honour: those who entertain such notions, I say, may think that the crimes set forth in the *Reformatio Legum* should, as it is there proposed, be punished either by perpetual imprisonment or banishment for life; but I, who think there are gradations in guilt, cannot admit that, even for the crime of adultery, a man should forfeit, during life, the enjoyment of his liberty, or be proscribed from the limits of his country, and cut off from the protection of her laws. Yet while I deprecate the penal severity of the *Reformatio Legum*, I respect the wisdom of its reasoning; and particularly that part of it which accompanies the proposed abolition of the divorce *à mensâ et thoro*, because, in a few conclusive words, it shows that species of separation to be dangerous to morality, and contrary to the laws of reason and of God; and I will state the expressions to your lordships in the words of the *Reformatio Legum*: "Mensæ societas et thori solebat in certis criminibus adimi conjugibus, salvo tamen inter illos reliquo matrimonii jure. Quæ constitutio, cum à sacris literis aliena sit, et maximam perversitatem habeat, et malorum sentinam in matrimonium comportaverit; illud authoritate nostrâ totum aboleri placet." This, my lords, would, in my apprehension, be a sufficient ground for granting, in all cases, a divorce *à vinculo matrimonii*, where a previous divorce *à mensâ et thoro* had been obtained; and would strongly dispose me to give my assent to a measure which has been hinted at, of leaving the final and total dissolution of the marriage bond to the jurisdiction of the ecclesiastical court.

To return, my lords, to the case of Foljambe: I contend that it has no bearing whatever on the subject of debate on this day, inasmuch as it contains simply a decision on the nature of a divorce *à mensa et thoro* under the Romish canon law: which your lordships well know, upon the principle of marriage being a sacrament, neither did nor could go beyond such a separation. Neither does this decision, nor the administration of the Romish canon law, still in force in our ecclesiastical courts, in any degree invalidate the opinions given in the case of the marquis of Northampton; those opinions being expressly grounded on the interpretation of the law of God by those learned men, and not upon any construction of the canon law, which formed no part of the ground of their opinion, any more than it becomes a guide to your lordships in passing an act for a divorce of the parties *à vinculo matrimonii*. And let me here press upon your lordships' attention, that the prohibition to marry (or voidance of the marriage, which is the same in substance) in the case of Foljambe, did not attach upon the guilty party, but upon the injured husband; so in the sentence of divorce in the ecclesiastical court, the bond taken not to contract marriage is equally obligatory on the injured as on the guilty party. It is not, therefore, from the canon law as it exists, or from the decisions which have taken place under it, that we can decide the nature and justice of the provision proposed to your lordships in the bill upon your table; for the question does not lie in the nature of the divorce, but in the situation in which the parties are placed after the divorce *à vinculo matrimonii*, and how far, in law or justice, the release should be extended to both parties, or limited to one only: and this point, my lords, must be decided by the law of God; to the discussion of which I pledged myself to your lordships on a former day.

And here, my lords, allow me to say, that, as a protestant of the Church of England, I feel no apology due for entertaining an opinion of my own upon the construction of a text of Scripture: had I any doubt upon my mind, I should receive the exposition of the right reverend prelate opposite to me with the respect and confidence which is due to his great abilities and extensive learning; but having formed my opinion upon attentive consideration of the subject, and conceiving myself supported by the authority of the learned referees of archbishop Cranmer, I have no scruple of broadly stating to your lordships, that I conceive the law of God distinctly to allow the marriage of both parties, upon a divorce for adultery.

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My lords, the law on this subject is promulgated in the sermon on the Mount, and in the 19th chapter of Matthew, verse 9. In the first it is said, that "whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whosoever shall marry her that is divorced, committeth adultery." I would here ask your lordships, what construction is to be put upon the expression, that he who putteth his wife away causeth her to commit adultery? The merely putting away his wife, would not, in any case, necessarily cause her to commit adultery, unless that putting away left her at liberty to marry another man; and if the expression in the text be so understood, there is no difficulty or ambiguity in the interpretation of the whole: whosoever putteth his wife away for fornication, putteth her away upon a just ground of divorce, and therefore does not cause her to commit adultery if she marries again; but if he putteth her away for any other cause, saving that of fornication, he putteth her away upon grounds that do not justify divorce, and causeth her to commit adultery, by inducing her to marry another, when she could not be lawfully separated from him. In the 19th chapter of Matthew this doctrine is more fully laid down; for, being pressed by the questions of the Pharisees, our Saviour enters into a more detailed explanation. Being asked whether it were lawful for a man to put away his wife for every cause, he explains the near connexion of man and wife, and that those whom God has joined no man shall put asunder—"How comes it then," say the Pharisees, "that Moses commanded a writing of divorcement?" to which it is answered, that Moses, on account of the hardness of their hearts, suffered them to put away their wives, and that it was not so from the beginning: "And I say unto you, whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her who is put away doth commit adultery." Here the law attaches upon both parties, and they equally sin if they separate and marry after, without the exception provided: and if the exception operates in exculpation of one party, on what ground of reasoning can it be withdrawn from the other? Taking this text with that which I before quoted, the interpretation appears to me to be fixed beyond dispute. Put a similar case of a human law, and let us see what the conclusion must of necessity be. Suppose a law should declare, that whosoever shall take goods from a shop, except he pay for them, committeth a felony, and whoso receiveth the goods that are taken committeth a felony: would my learned friend upon the woolsack be disposed to give a charge upon such a law to those who have been called the unlearned lords, as a jury, directing them to acquit the taker of the goods, because he had complied with the exception which exculpated him; but at all events to find the receiver guilty, because the exception did not apply to him? And yet the violence of construction is not greater in the one case than in the other.—But if I am mistaken in my conception of the law of God as I have stated it, sure I am that no distinction is any where made in the Scriptures between the seducer of the woman and any other man, and in either case the provision of the bill upon your table is defective—either it exceeds the limits of the law of God, or it falls short of them; either it prohibits what that law permits, or it permits what that law prohibits: and this dilemma induces me to suppose that the right reverend prelate has not afforded the subject his full attention; for I give him too sincere credit for all the feelings which belong to him, to suppose that he would compromise the law of God to gratify and conciliate any human legislator. And if the interpretation of the text bears out the right reverend prelate in his declaration of adultery in the woman divorced, whosoever she might marry; it was in that case incumbent upon that right reverend prelate to have moved an amendment in the committee, to prevent the marriage of the adultress with any person whatsoever. I am however not disposed to reproach him with any neglect or omission on this subject. I am satisfied that such an amendment would only have removed the provisions of the bill still further from the plain and obvious interpretation of the gospel.

My lords, the principles of justice are uniform, clear, and simple: disguise them by sophistry, or pervert them by refinement, and mark what inconsistencies will follow: The clause to which I object violates an established maxim in jurisprudence, "That where no mutual relation exists, no duty can attach;" for it proposes to dissolve the bond of matrimony on one part to all intents and purposes, as if no

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such marriage had ever taken place; fixing at the same time one link of the chain upon the other party, even beyond the usual duration of duties, for death will not release her from this partial and prohibitory tie.—But we are told, my lords, that the marriage of the woman never was in the contemplation of the legislature, because it is not expressly provided in the act of divorce. To this I answer, that the act is framed in the terms of the petitioner's prayer, and that it would be a degree of liberality that would favour somewhat of collusion if the petitioner were to join the offending party with himself in this application for relief. I say further, that the liberty is implied by the terms in which the dissolution is expressed in the act; and that this interpretation is confirmed by the constant and unquestioned practice of the parties. Let me then ask your lordships, upon what principle of justice, upon what sanction of experience, upon what ground of reason, we are now called upon to place a man in the situation of having at once a wife and an half, maintaining with the whole wife all the reciprocal duties and mutual claims of affection and support which belong to matrimony, and receiving at the same time from the half wife the solitary duty, not of personal fidelity, but of matrimonial restriction, without owing her any return of protection, or maintaining with her any common ties of intercourse, interest, or affection? Where, my lords, is this woman, this half-shackled wife, to seek the comforts of society, or the support of affection to promote in her the seeds of returning virtue? Not from the virtuous part of society, for she is an outcast from it; not with her own family, for we are told that her reception there would be a bad example to her sisters, if she has any, or, should she have none, to the daughters of other families, which your lordships are called upon as fathers to consider on general principles; not in the name and duties of wife, which practically has been found to produce reformation, must she seek refuge. My lords, to none of these must she fly, but (if she has not resolution for absolute seclusion) she must, under this bill live in a state of continued adultery with her seducer, and fall into a more debased and vicious state, by mixing with such society as may be disposed to receive a woman under such circumstances of degradation and disgrace.

And now, my lords, a few words upon that part of the bill to which I should gladly have given my poor support, had not its succeeding clause, "like a mildewed ear blasting its wholesome brother," rendered the bill altogether inadmissible. My lords, I am so unfortunate as not to agree with the right reverend prelate in the part which he has selected to defend; even in that clause, the object of which, upon the whole, I approve. I mean that part of it which has been objected to as giving a power of inflicting a double punishment for the same crime, by not taking away from the husband his action of damages when it makes the adulterer liable to indictment, and which has been defended by the right reverend prelate as only affording an option of such mode of prosecution as the offended party may prefer, and which election he will be called upon by the attorney-general to make. Now, my lords, my objection to this part of the clause is, that it does neither the one nor the other, though it professes to do both: I think it always a ground of serious objection to the provisions of any law, when they do not plainly profess what they virtually enforce; and in the way the clause in question must operate, I had rather it should either have expressly declared that no obstacle should be opposed to the double proceeding, or that the action for damages should have been specifically taken away, though that, in fact, would inflict a certain degree of penalty on the injured party on whom the whole expense of legal process, and of the act of divorce would fall, which else might have been paid out of the compensation in damages.—But, my lords, it is a mockery, as the bill now stands, to say that the injured party has any real option; it is a nominal option, in the nature of what is vulgarly called Hobson's choice; for the attorney-general indeed says, Here are two ways of proceeding, make your election; but, says the act of parliament, If you do not fix upon the mode by indictment, you shall not have your bill of divorce; and the option being thus virtually fixed, the act should plainly declare that criminal process shall alone be resorted to in cases of adultery.

And now, my lords, having gone through the arguments which have been brought by the two noble lords in support of the bill, I come to the concluding admonition, by which your lordships have been

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urged to its adoption, and warned against the dangers of its rejection. If, (it is said) this bill should be rejected, after having been brought forward and discussed by your lordships, the state of public morals will not be left as they were found at the introduction of the bill into the House: vice will be encouraged; and the public will receive an impression that your lordships think lightly of the crime, and are not disposed to discountenance or correct it. My lords, I, for one, do not see those dangers, or apprehend those consequences from your rejection of this bill. The unanimous opinion of your lordships upon the detestable nature of the crime, has been strongly and repeatedly expressed in the course of the frequent discussions which this subject has undergone. But if such ill effects be indeed likely to arise from the rejection of the bill as have been suggested, it would have well become those who brought it forward to have considered the danger before they stirred the question. Upon them, and not upon the opposers of the bill, must the responsibility of the ill effects of its rejection fall. If your lordships were to be influenced by such representations, there would not only be an end of the freedom of discussion, but of free agency, in this House, upon delicate subjects. My lords, I have already stated, that I do not apprehend the evil consequences which are represented as likely to ensue from the rejection of the bill, but sure I am, at all events, that they never can equal those which I dread from its being passed into a law; to which, my lords, I give my most hearty dissent, because the bill appears to me calculated to promote the crime which it professes to repress: and because I think it at once adverse to the interests of morality, contrary to sound policy, and at variance with the law of God.

The Bishop of *London* highly approved of the bill: the only objection he had to it was, that it did not go far enough. The clause on which it had been so keenly opposed, he thought fair, equitable, and politic. If the adulterer were not to be punished, then indeed the bill would be unequal, and the least culpable party would bear all the punishment of their mutual guilt. That it was right to prevent the marriage of the seducer with the unhappy object he had seduced, there could not be a doubt. In this there was no cruelty displayed to the unfortunate female, who was only left to the natural consequences of her guilt. At present, she received a reward for her misconduct: she got quit of a husband whom she disliked, and became the wife of the man whom she adored. It was a fundamental principle of morality and justice that no one should profit by his own crimes; and it was upon this principle that the present bill was framed. The silent hope of being able to marry the man who attempts her virtue, though no express contract should be made, must have a powerful tendency to weaken her principles, and to make her fall a more easy prey to her betrayer. The laws with regard to the detestable crime of adultery, were at present extremely inadequate to check it, and some new regulation was absolutely necessary. His lordship deprecated all sentiments of an irrational humanity and tenderness for the offender on such occasions: were sentiments such as these to be entertained, no judge sitting on a criminal, could sentence him to death for the commission of his crimes, without being checked by sentiments of pity that would naturally arise on such a trial; the wretched condition of the criminal, the condition of his wife and children, who might be innocent, and who yet must suffer severely, would be sufficient to awaken such emotions, and stand as an impediment to justice. This was an ill-judged humanity; and, in the case of the bill now before them, it was better to admit a certain portion of severity against the offending party, by withdrawing from her hopes the object of her wishes, her seducer, than suffer her, by his suggestions, to become instrumental to the corruption of her offspring and her family, and consequently of society. The whole nation was now looking up to the decision of their lordships, and if they should precipitately reject the present bill, the most unfortunate consequences would ensue.

Lord *Grenville* said, that every noble lord had declared, that the crime of adultery was becoming daily more frequent, and that some measure was loudly called for to put a stop to it. It was not, then, the title nor preamble of the bill which gave such offence. By most, the first clauses of the bill had been approved of; by one noble lord, who spoke on the other side, they had been called just, politic and humane. Should then, the bill be thus pre-

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maturely cast out, because some of its provisions seemed inexpedient? It was allowed by all, that the law could not be permitted to remain as it was, without ruin to the morals and happiness of the community. They were told by a greater authority than Cowper (a poet for whom he felt the highest respect), that parliaments assembled only to release the adulteress from her bond. His learned friend on the woolsack, and the other two learned lords who presided in the courts of law had declared that the greatest abuses were committed, and that at present there was no remedy for these abuses, that in many cases, there was collusion between the parties, and that in no instance was there a possibility of adequately punishing the guilty. They found their proceedings on the bench, in such cases, a farce, and a mockery. The ecclesiastical courts were equally deficient, there was no way in which the injured party could obtain redress, or vice could receive its punishment. He had long been sensible of these truths, nor had he ever been present when a divorce bill was passed, that he did not think the House disgraced and degraded. The only argument of any weight that he had heard urged against prohibiting the intermarriage of the adultress with her seducer, was, that one bar would be removed from men of gallantry pursuing their unlawful designs, as at present they are afraid lest they should be obliged to choose as their companions for life those women whom they have polluted and disgraced. But, though more disposed to storm the citadel of virtue, they would find conquest much more difficult. All hope of being reinstated in society being taken away, every woman of common prudence must lend a deaf ear to the solicitations of the man who would alienate her affections from a husband, to whom she must continue to be true, or give up all hopes of enjoying the comforts of life. The means of defence were increased in the exact proportion of the disposition to assail. He hoped that the unhappy female would not, after her lapse from the paths of virtue, be turned loose into the world, and become abandoned and wretched: but if a few should be reduced to this deplorable situation, what a motive to fidelity would their example hold out! The education of the children would in no way be injured by the proposed regulation, as it would be easy to show, that the mothers who married their paramours, were in no degree better behaved than those who, after their divorce, continued through life unmarried. A detestation of vice must be generated in children by witnessing the unhappy effects it had had upon their deluded parents. The bill, he was confident, would produce the happiest effects.

The bill was ordered to be printed.

May 21. The House being in a committee on the bill, lord Eldon proposed a variety of verbal amendments thereto, which, after a long and desultory conversation, were agreed to.

May 23. Lord Auckland moved the third reading of the bill, and replied to the various arguments which had been adduced against it, expressing his astonishment at the opposition which had been set up, and his inability to account for the principle on which it arose.

The Earl of *Coventry* expressed his decided disapprobation of the bill. The marriage of the divorced woman, by her seducer might, he observed, be regarded as a penalty imposed upon him by the imperious laws of gallantry. Some parts of the bill, he was ready to say, he could approve of, but not knowing how to separate the good from the bad, he should oppose it in toto.

The Earl of *Westmorland* said, he was more and more convinced that the bill would not be attended with the good effects which its framers proposed. It had been said, that the bill passed some years ago by their lordships, prohibiting the marriage of the guilty parties, had been thrown out by the House of Commons. He believed that the bill was thrown out upon motion to leave out the word "not," and he was not sure that the person who made that motion was not a better judge of the legislation which this subject required, than the supporters of the present measure. Moses seemed to have had the same sentiments when he enacted, that a man who seduced a female should marry her. In Deuteronomy it was expressly said, "He that lyeth with a damsel shall be married to her for all the days of her life." When his noble friend said, that he had examined into the legislation of other countries respecting adultery and divorce, he expected that he would have adduced the example of Rome, of Spain, of Naples, and of France, to show the efficacy of penal laws to pre-

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serve the purity of morals; he expected that the example of Scotland, where the marriage of the criminal parties is forbidden, would have been brought forward; but as they were not, he concluded that these instances did not show that such enactions tended to discourage the crime of adultery. In fact, he did not think that the measure before the House was peculiarly called for by the circumstances of the times. He did not think that the crime of adultery had increased in the degree that had been represented. But it was said, that the number of applications for divorces had increased. This was to be accounted for from several very obvious causes. The wealth of this country of late had greatly increased the number of persons who were able to bear the expense; and divorce bills were therefore increased. The high damages given in cases of criminal conversation would, no doubt, have weight in bringing a greater number of divorces before the public. He would even assert, that the virtue of the country was one cause of the frequency of divorces [A laugh]. Noble lords might laugh, but he believed his assertion capable of proof. The sentiments of men had become more delicate, and they could not endure to continue united by wedlock to a woman by whom they had been dishonoured. It was not matter of surprise, therefore, if the number of divorces had increased. His noble friend had said, that to continue to allow the criminal parties to marry was introducing a different code for a privileged cast, while the inferior classes had no remedy. What was the fact, however? The present measure, instead of raising the lower classes to a footing in this respect with the higher, reduced the higher to the level of the lower, and the seducer was deprived of the power of making any atonement to the woman he had corrupted.—His noble friend had expressed surprise that it should have been said, that if prohibited to marry her seducer, a woman had no alternative but profligacy. That a woman, abandoned as she would be by this bill, must be in danger of falling into the lowest state of vice, was evident. She was deprived for ever of the hope of being restored to society, and of every motive that could lead her to wipe away the disgrace she had incurred. He was of opinion, that taking away the necessity which the laws of honor imposed, of making atonement to the woman seduced, would tend rather to injure than to promote the cause of morality. With regard to the punishment to be inflicted upon the seducer, it was a matter that deserved much consideration. Such an alteration in the laws of the land might be of dangerous example. The constitution of this country was jealous of exposing the liberties of men to the discretion of a judge, however it might be presumed that such a power would not be abused.—It was said that the sages of the law were in favour of this bill; but, on the other hand, he saw that the principles of the law itself, that the maxims of our ancestors, were hostile to it. He was averse to such an innovation, which he thought was justified by no necessity, and could be defended by no sound policy. He opposed the bill, therefore, as a speculation uncalled for, and which might be productive of much mischief. If it was Jacobinism to maintain the established laws of the country, and the principles of former times, against pretended reformation, then those who opposed the bill might be accused of employing jacobinical reasonings. Upon the whole, as he conceived the bill to be severe in its operation, and particularly hard upon the female; and as he was convinced that it would not be attended with the advantages proposed, he felt himself obliged to vote against it.

The Earl of *Carlisle* contended, that no alteration ought to be made in the established laws of divorce, unless it was unequivocally proved that such alteration was absolutely necessary. The only proof adduced was, the increasing number of divorces; but as this argument was not used when the bill was first brought forward, but seemed to be the result of labour and research, it was the less deserving of attention; for had it been a glaring fact, it would no doubt have occurred to the framers of the bill. There were numerous causes which contributed to this increase of divorces; and particularly the enormous damages given in the courts below, holding out strong temptations to a man who preferred a sum of money to the honour of his wife. This was so fully proved in one instance, that the jury could only be prevailed upon to give nominal damages. The exorbitant verdicts in some cases were highly injurious to the cause of morality, and induced husbands to connive at their wives seduction, or, what was worse, to lay snares which could not easily be avoided. For

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this it was not necessary, as supposed by a learned prelate, that a man should keep a mistress under the nose of his wife; neither was it required, to use the language of a learned judge, that he should beat her "with a stick as thick as his thumb." No. He might torment her in a variety of ways, and lead her into societies and situations where the temptations might be irresistible. Nothing was more idle than for noble lords to talk of regulations to prevent or detect all collusions, while such exorbitant damages were held out as baits. This measure came with a peculiarly ill grace from noble lords so intimately connected with the administration of the country, and who were eternally crying up its vast commercial opulence. With an accession of population, of commerce, and of consequent luxury, it was not surprising if divorces were more frequent; but they afforded no reason why the laws of the land should be altered in cases of divorce; and why the conniving husband should have his remedy against a seducer by indictment for misdemeanor, with fine or imprisonment, and should also have an action by which he may obtain an exorbitant compensation. Much less did they furnish a reason why an unhappy woman should, for the error perhaps occasioned by provocation on the one side as much as by persuasion on the other, be turned adrift for ever from society, and, by the exclusion now proposed, driven perhaps to Bedlam. He might have expected from the framer of this bill, that when he introduced so many new penal provisions, he would at least have protected the offender from another kind of torment. While he left him at the discretion (a thing unknown to the laws of England) of the chief justice of the King's-bench, he should have exempted him from prosecution by the ecclesiastical court. But that court, it seemed, was the temple of purity, and its sanctuary was not to be violated. This served to confirm him in the opinion he had always entertained, that monkish seclusion (for there were legal as well as ecclesiastical monks) was not adapted to qualify a man for the task of legislation. The studies of a recluse did not lead to a knowledge of the world; in order to correct morals, it was necessary to mix with society, to dive into the minds of men, to be acquainted with their actions, and search the motives of their conduct. For want of this kind of information, a consummate lawyer, or a holy prelate, might be very inadequate to the formation of laws which could make society better than it was: and of this the present bill afforded a singular example. From legislators better qualified, he should have expected, that, instead of considering the ecclesiastical court as a sanctuary not to be touched, they would have set about cleansing the Augean stable, though that, he confessed, would be an Herculean labour. He lamented the absence of a noble lord (Thurlow), who, in a very able speech once described the vexatious proceedings in this court, where a plaintiff, after having once failed to prove his libel, may commence his suit again a second or a third time upon *ex parte* testimony, and without being sworn. He also quoted the case of a Mrs. Middleton, who, after having been detected in adultery, contrived, by the assistance of the learned doctors, and the laws of that court, to baffle for five years all the efforts of her husband to obtain a divorce, and thus put him to the expense of 10,000*l*. Should the present bill pass, the consequence would be, that every adulterous wife would act the part of Mrs. Middleton. Knowing that at length she must be divorced, and irrecoverably driven from society, she would at least protract the time, and interpose five years between her detection and ultimate disgrace; which she would be the better enabled to do, as all the proceedings would be at the expense of the husband. His lordship concluded with expressing his approbation of making adultery penal, and deprecating, in all cases, any pecuniary compensation to the husband.

Lord *Eldon* observed, that the tenderness for the ecclesiastical courts, which some noble lords affected to think peculiar to the present bill, was what was uniformly inserted in every act of parliament, with the object of which those courts could have any concern. With regard to the propriety of allowing pecuniary damages for adultery, he would pause a long time before he could propose an alteration in that respect. As the law stood at present, it was competent to any man who was injured to bring his action for damages, and at the same time institute a prosecution in the ecclesiastical court; but whenever that happened, the judges in the courts below caused, of their own authority, one of the suits to be stopped; and he confessed that it would

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be better to regulate this by act of parliament than to leave it to the discretion of the judges. As to the noble lord who now presided in the court of King's-bench, if he was a legal recluse, he found means to obtain in the retirement of his study a great deal of learning, and in his practice a great deal of experience. That learned lord, as well as every other judge, was bound by his oath to state to the jury what he thought of the evidence, and of the case before him; and unless he was stript of his heart and his feelings, he could not be supposed to overlook any circumstances of collusion. The objection, that this bill would be productive of perjuries, was equally applicable to any bill under the authority of which oaths were to be administered. He declared, that he differed entirely from the sentiments just quoted, and was inclined to think, that whatever lord Thurlow might have said as an advocate when attorney-general, he would hold a different language as a legislator, and a member of that House. In this opinion he was the more confirmed, as that noble lord had recommended, that instead of confining the power of granting final divorces to the legislature, the ecclesiastical court should be empowered to grant a divorce *à vinculo matrimonii*.—To come to the clause that prohibited the intermarriage of the adulterer and the adultress: if he had turned his attention to the bill for a century, he was persuaded that the result of the best attention he could bestow would be to prevent that intermarriage; and he was fortified in this opinion by the best writers, and by the experience which he had acquired even in his recluse walk of life. There were various kinds of seducers. There was what was called the honourable seducer, who laid his plan of seduction with a view of marrying the lady. Now, when this honourable seducer should find that there was a law to prevent that marriage, it would call him aside from the path he was pursuing. As to the other seducer, which might be called the dishonourable one, when he reflected that he was to face a judge and a jury, and that he was to be punished, perhaps it would cool his appetite a little; and so far the punishment, not as a punishment, but as a prevention, would be found to have a good effect. It had been stated, that the woman was to be pitied, that she was sunk into the abyss of misery, and driven to a state of desperation; but should the clause in question teach her to reflect a little, would she not say to herself, "this man cannot be an honourable seducer, for he knows that, by the law of the land, he cannot marry me after I have violated my conjugal vow." Noble lords might talk of humanity to the unhappy lady; but was there no humanity owing to the public? What must be the feelings of relatives and friends on such an occasion? It was the first policy of any state to see that children should be virtuously educated; and where was the example to be sought but in parental affection and conjugal delicacy? As the law stood at present, by permitting the offending parties to intermarry, instead of a punishment, it would operate rather as an inducement to the commission of the crime. The number of divorces called for prevention, by punishment that would operate as such; and under that impression he should give the bill his support.

The Duke of *Bedford* said, he had no objection to some alteration of the law now existing, so far as regarded the exercise of it, but he could not consent to such an innovation as the bill now offered. If this bill were passed into a law, the collusion of the parties would be more general, and the ends of justice would consequently be defeated; nay, if we reckoned upon adultery in every house in the metropolis, the crime would almost uniformly escape detection, merely because the pains and penalties were so severe as to be attended with the complete ruin of the parties.

The Duke of *Cumberland*, in a maiden speech, expressed his dissent to the bill. With respect to the laws as they now stood, his royal highness said, that in his opinion they bore sufficiently severe on the woman; for when he considered the arts and blandishments of the seducer, and the situation into which the sex may be betrayed by his designs, he thought her condition a case rather of commiseration than severity. It was also doubtful whether the regulations proposed to be enacted would be productive of the effect, and it was to be feared that much mischief would be produced by them. It was extreme cruelty to deprive a misguided woman of future marriage, and the common comforts of life; but it was not only meant, by this bill, to reduce her to the most abject state of misery, but to take from her whatever nominal rank she hitherto enjoyed. As to the prevention

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of the crime by the law now intended, he could not conceive it possible. So few men were inclined to marry the women they had seduced, that it would be cruel to deprive the females of this last hope.

The Bishop of *London* observed, that the objections which had been stated to the bill, were principally against the second clause of it. It had been said, that the punishment ought to fall most heavily on the seducer, whereas this clause went to inflict the most severe punishment upon the unfortunate female; and a melancholy picture had been drawn of the miserable, forlorn, deserted situation in which she would be placed. He allowed that the severest punishment ought to be inflicted on the man. But did not the bill expose him to greater infamy, and to a punishment, which, in most instances, would be considered as more severe than that inflicted by the law as it now stood? And as to the effect of prohibiting the parties from marrying, upon the situation of the woman he considered it as likely to be highly beneficial. Many a woman would never consent to the commission of the crime of adultery, were it not for the expectation of afterwards being married to her seducer, and thus perhaps being introduced into a gayer situation of life than that in which she was formerly placed; and when this hope was taken away, it by no means followed, that those women who yielded to the violence of passion or the arts of seduction, would be reduced, by being cast out from society, to greater corruption and vice. In truth, it appeared to him that retirement was more becoming their situation than scenes of gaiety.

The Bishop of *Rochester* said:—My lords; it may seem that I ought to rise with great diffidence before your lordships, after the admonition I have received, from a noble earl who spoke early in this night's debate, of my utter incapacity to form any judgment in a matter of the sort now before the House, But, my lords, I am encouraged, by the example of the noble and learned lord upon the woolsack, and by the example of a right reverend prelate near me; who, notwithstanding they were equally with myself included in the incapacity imputed in common to recluses of the law and to recluses of the church—to legal and ecclesiastical monks, have nevertheless adventured to give their opinion upon the present occasion. But, my lords, much more than by the example of the noble and learned lord upon the woolsack, much more than by the example of the right reverend prelate near me, I feel myself emboldened by the public judgment of my country—by repeated and express declarations in the Statute book. My lords, at a time when there was little partiality for the authority of the church, in the reign of Henry 8th, it is repeatedly asserted in the statutes—asserted as the ground of many particular enactments, that the proper judges in causes matrimonial are divines and canonists; that divines and canonists are the persons best qualified to judge of the crime of adultery—what is to be deemed adultery—what punishments should be applied to it. And the temporal judges in those times gave the same opinion: when prohibition was prayed to stop proceedings in the ecclesiastical courts in causes of adultery, it was constantly refused; and refused upon this avowed principle, by the justices in the court of King's-bench,—that the ecclesiastical courts were the proper courts to have cognizance of adultery, because it is a matter in which divines and canonists are the most competent judges. That branch, therefore, of the law with which the present question is most immediately connected, the wisdom of our ancestors has placed in the hands of those whom the noble earl pronounces incapable of forming any sound judgment in such matters. My lords, I was perfectly astonished at the reflections which the noble earl thought proper to cast upon the ecclesiastical courts. One of his lordship's great objections to the present bill is, that, introducing a new punishment of adultery, it nevertheless reserves the jurisdiction of these courts. The noble earl talks of this jurisdiction as a perfect nuisance in the country: the ecclesiastical courts, in the noble earl's conceptions, are an Augæan stable, which want a Hercules to cleanse them. I must tell the noble earl, that the proceedings in the ecclesiastical courts are as regular, and go with as much certainty to serve the purposes of substantial justice, as those in the temporal courts. It is true, they have, in those matters that are subject to their cognizance, a system of law and jurisprudence of their own, and their own forms of proceeding: but their system is a wise, well-digested system, founded on the general principles of justice; and their forms are regular, known,

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and certain: and, in the hands in which the administration of that part of the law of the country is at present placed, and has been placed for a long time backward, no one will presume to say that justice is not distributed with as much ability and as much integrity in those courts as in any other court of law or equity in Great Britain.—I derive farther encouragement to offer my opinion upon the present occasion, from the example of my noble friend the original mover of this bill: for, my lords, the incapacity imputed to me and the recluses of the law is not confined to us: it extends over various descriptions of persons in this assembly, and my noble friend is included under the same disability. My lords, it seems his grave and weighty occupations as a public minister at foreign courts have kept him retired like us from scenes of gayety and dissipation; and he is destitute of all that ability for the present discussion which is not to be acquired without much experience in the arts of practical gallantry! My lords, these men of public business—these foreign ministers, are all of them, like myself, like my brethren on this bench, like the noble and learned lord upon the woolsack, like his brethren in Westminster-hall,—they are all very drivellers in these subjects; monks, recluses, mere old women, my lords: it is a shame you should mind any thing they say!

However, my lords, I shall take courage to offer my opinion, such as it may be, upon the present subject. The objections to the bill have been taken upon so many different grounds,—what they want singly in weight, they so abundantly make up in number,—that although I am not at a loss what to reply to any one, I am indeed much at a loss with which to begin. There is so little coherence in the different objections among themselves, that they lead to no particular order; and to give perspicuity, and what I can of brevity, to my argument, I must endeavour to reduce them to some general heads. One ground of objection has been, that the bill is an alteration of the laws of the land. Another, that it gives a double punishment for one crime; not taking away the action of damages when it makes the adulterer liable to indictment. The divine law has been much brought in question. It is contended on our side, that the marriage of a divorced adulteress with the adulterer is itself adultery, by the law of God: the opposers of the bill not only deny this, but they allege the law of God in justification of such marriages. Another objection is,—and a great one it would be, if it could be made out,—that the effect of the clause prohibiting such marriages will be the very reverse of that which the promoters of the bill expect; that it will promote adultery, instead of restraining it.

Now, my lords, with respect to the first objection—that the bill will change the law of the land, your lordships may remember, that in a former debate I ventured to meet this objection, so far as it regards that part of the bill which makes adultery a misdemeanor punishable by the temporal courts, with a flat denial. I said, that this did not amount to a change of the law; and I was doubtful whether in this I should have the concurrence of the learned lord upon the woolsack: but, my lords, I have the satisfaction to find, that there is no difference of opinion between the learned lord and me upon this more than upon any other part of the subject. My lords, if the bill created any new crime, — if it made that criminal which the law never considered or treated as a crime before,—that I should allow to be a very material alteration of the laws of England: but no new crime is created; adultery always was a crime by the laws of England; a new punishment is applied, and a new mode of prosecution is established. But when the penalties hitherto applied have been found insufficient to the prevention of the crime, and the mode of prosecution ineffectual, I cannot admit, that the enactment of stronger penalties, and the introduction of a more vigorous mode of prosecution, are an essential alteration of the law. These measures seem to me to be only an affirmance of the old law,—means of enforcing obedience — of preventing those offences which it always was an object of the law to prevent, by adequate punishments. I cannot see that the making of adultery a misdemeanor is any dangerous innovation in the law; it is only a strengthening of it.

Noble lords contend, that even this reasoning (the justice of which, I know, they admit not) is not applicable to what they call the abominable clause: this, they say, is an alteration of the law upon my own principles; since it makes that henceforth unlawful which at present is lawful, inasmuch as the marriage of the divorced adulteress with her seducer is not

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forbidden by the law of England as it stands at present. But, my lords, here again I must dissent: I maintain, that the bill, in this particular clause, is the very reverse of innovation. I say, that the present practice is a departure from the true principles of the law, and from the ancient practice; and that this bill, in the abominable clause, reverting to the old principle and restoring the old practice, instead of innovating abolishes innovation. My lords, inasmuch as causes matrimonial belong to the ecclesiastical jurisdiction, the canon law, so far as it has not been altered by statute, and so far as it has been uniformly adopted as the rule of our ecclesiastical courts, is upon this subject a branch of the common law of England. By the common law of England therefore (for by the old canon law, the law of this subject), parties separated *à mensâ et thoro* by the sentence of the court are not allowed to contract a new marriage, the one during the life of the other; and any new marriage so contracted is illegal; and the cohabitation of parties under colour of such illegal marriage is adultery. "In all sentences for divorce and separation *à thoro et mensâ*, there shall be a caution and restraint inserted in the act of the said sentence, that the parties so separated shall live chastely and continently; neither shall they during each other's life contract matrimony with other person." This is the 107th of our canons of 1603: but this is only the general rule of the old canon law transferred into the domestic canons of our reformed church; for what says the old canon law? —"Nec illi nubere conceditur, vivo viro à quo recessit,—neque huic alteram ducere, vivâ uxore quam dimisit."—And of the same tenor were our own ancient constitutions. "Secundum evangelicam disciplinam, nec uxor à viro dimissa alium accipiat virum, vivente viro suo,—nec vir aliam accipiat uxorem, vivente uxore priore; sed ita maneant, aut sibimet reconcilientur." This was the condition of separated parties,—both absolutely restrained from contracting any new marriage during their joint lives; till it was first proposed, in the *Reformatio Legum*, in the case of separation for cause of adultery, to give the injured party liberty of marrying again, but with express restriction of the indulgence to the innocent party. "Cum alter conjux adulterii damnatus est, alteri licebit *innocenti* novum ad matrimonium si volet progredi; nec enim usque adeo debet *integra persona* crimine alieno premi, cœlibatus ut invitæ possit obtrudi. Quapropter, *integra persona* non habebitur adultera, si novo se matrimonio devinxerit." But as the *Reformatio Legum* never passed into a law, the practice came in by degrees of giving this liberty to the husband separated from an adulterous wife, by those private bills of divorce which are now become so common; but it never was in the imagination of the legislature, when such bills were first introduced, that they were to go to the effect of setting the adulteress at liberty,—that an act of the legislature, relieving the injured husband from the difficulties his wife's guilt had brought upon him, was to enable the guilty wife to carry her wicked purpose to its ultimate effect. This extravagant notion, I believe, took its rise from the strange principle set up by archbishop Cranmer and his associates in the case of lord Northampton; which was recited by a noble lord in a former debate. Archbishop Cranmer, and those who sat with him upon that question, upon his suggestion said, that a marriage once dissolved was as though it never had been had, and that both parties were set at liberty. With a great reverence for the memory of that illustrious reformer, I have no hesitation in saying, that upon this occasion the venerable archbishop reasoned more like a monk than a senator: he came to a conclusion upon a great question of law and justice upon a mere logical subtilty; applying abstract principles to a practical question, without due accommodation of them to the particular circumstances of the case; in which way of application abstract principles are apt to be fallacious.* The conclusion to which he came I maintain to be contrary to one of the most universal rules of jurisprudence,—that no law is to be so interpreted as to make any one the better for his own wrong. But is not the adulteress the

* It is to be observed, however, that the intended application of the principle was only to the relief of the injured husband: for the question before the committee of bishops was only this,—whether the lord Northampton, separated from his wife for her adultery, might lawfully and conscientiously contract a new marriage, the divorced wife living. Their decision, with respect to him, was just; but the principle, in the extent in which it was laid down, was absurd, and has been the source of much mischief and confusion.

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better for her own wrong, if, when separated from her husband for her crime, she is, by virtue of that very separation—that is in effect by virtue of her crime, set at liberty to go on to the full satisfaction of her criminal desires, under the sanction of a legal marriage with her seducer?—I maintain, that every such marriage is contrary to the true principles of the law of England, and contrary to the original intention of the legislature in granting bills of divorce. And this bill recalls, as I have said, the true principles and the old practice.

But, my lords, I must explicitly disclaim an inference that has been fastened upon this assertion of mine,—an inference which I not only disclaim, but abominate. It has been said, that if these principles of mine are true, the marriages (which are very numerous) that have of late years taken place between divorced wives and their seducers must be absolutely null and void, and the offspring of all such marriages must be illegitimate. My lords, that the validity of all these marriages stands upon no better ground than a practice swerving from principle, I ever will maintain; but that they are not to be deemed valid, after the continuance of the practice for so many years, with the connivance of the courts of law and of the legislature,—that the children of all such marriages are illegitimate,—these would be mischievous wicked inferences. This is not the only instance in which wise laws have suffered a sort of tacit repeal, by a general consent in the neglect of them, and have passed into desuetude; and in such cases the old law cannot safely be restored but by new enactments: and to every thing previous to those new enactments the rule applies, "Quod fieri non debet, factum valet."* But, my lords, if the case of these marriages were as the objection to my argument supposes, it would be an additional argument for this bill. This bill puts out of doubt the validity of all these marriages already had, and the legitimacy of the offspring: if the one or the other could be called in question as they now stand, when once this bill shall be passed into a law they never can be called in question. For what says the bill?—That "after the passing of this act, it shall not be lawful, &c." My lords, the very passing of a bill to make a thing unlawful for all time to come, of necessity implies, that previous to the passing of the bill, the thing was deemed lawful; so that this bill making such marriages in future, unlawful, legalizes all that have been already had, and lays asleep all doubts about the civil condition of the offspring.—But, my lords, by the letter of the divine law, I persist in my assertion, that all these intermarriages of the adulteress with her seducer, after a bill of divorce from her former husband, are adulteries. A noble earl has gone so far in the contrary opinion, as to maintain that such marriages, so far from being forbidden, are commanded by the divine law. In proof of this, the noble earl produced a paragraph of the Mosaic law, in which it is commanded, that if a man lie with a damsel that is not betrothed, "she shall be his wife; he may not put her away all his days." But this relates only to virgins; "a damsel that is a virgin" are the very words of the text. There is no sort of doubt, that by the Mosaic law, a man having deflowered a virgin, was obliged to marry her; but let the noble earl look again, and find me, if he can, any law of Moses, or any passage in the whole Bible, which commands or even permits the divorced adulteress to marry the partaker of her guilt.—But, my lords, when I speak of the divine law, I mean the divine law as it stands under the gospel: by that law, I contend, these marriages are adulteries. By the laws of Moses, the punishment of adultery was death; and a large power of repudiation was given to the husband for inferior offences. In the later periods of the Jewish history, when the morals of the people were exceedingly relaxed and depraved, capital punishment in the case of adultery was rarely inflicted; but the power of repudiation was used in an extent beyond any thing the letter of the law could justify; and this the more sober part of the nation seem to have understood. Our Lord was consulted concerning the propriety of such divorces: his answer was, that by the original institution of marriage, the con-

* And this rule must be applied, even in cases in which a law of the country, founded on the divine law, has through inadvertence and a misconstruction of the law been infringed for a long course of time, and in numerous instances. The error must be corrected for the future without retrospect. The Mosaic law went even farther than this; when, for political reasons, it tolerated the continuance of practices very inconsistent with the original institution of marriage.

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tract was indissoluble,—that the liberty of divorce under the Mosaic law was an accommodation to a certain hardness of heart among the Jewish people,—that from the beginning it was not so. He adds—"And I say unto you (I, in conformity to the spirit of the institution, thus lay down *my* law), whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery; and whoso marrieth her which is put away committeth adultery." In the First Epistle to the Corinthians, St. Paul lays down the same rule as a positive command of our Lord, with respect to married persons both Christians. Where one of the parties was a heathen or a Jew, and the other a Christian, the case admitted some exceptions; but in the case of husband and wife both Christian, the apostle says—"Unto the married I command (not I, but the Lord), let not the wife be separated from her husband; but if she be separated, let her remain unmarried, or be reconciled to her husband." The apostle enjoins this, not as from himself, but as a positive command of Christ. The apostle therefore agrees in my interpretation of our Lord's words, when I say, that, as the divine law is laid down by our Lord himself in his answer to the Pharisees, the cohabitation of a divorced adulteress with her seducer under colour of a marriage, notwithstanding the connivance of human laws, is gross adultery.

My lords, when what I have just now said of the marriages of these divorced women under the law of the gospel fell from me in a former night's debate, a noble earl quarrelled with the presumption, as it seemed to him, of the assertion; reminding me, that the cause of those whom I ventured to call adulteresses was not to be judged before the Last Great Day; and the noble earl added, that on that day he knew it would be judged mercifully. My lords, I really believe there is less difference between the noble earl's sentiments upon that point and mine than the noble earl himself imagines. The noble earl seems to confound two things which are totally distinct,—the general enactments of the divine law; and the application of those general enactments to fix the final doom of every individual. My lords, if I say that the crime of adultery is generally forbidden by the Ten Commandments, the noble earl will not contradict me or tax me with presumption: if I say that adultery is generally forbidden by the Christian religion, under pain of eternal damnation, the noble earl will not contradict me, nor tax me with presumption. What is to be deemed adultery, the noble earl and I shall not agree. If I say that the marriage of the wife divorced for adultery with her seducer is itself adultery of the most heinous kind, the noble earl will contradict me, because he holds the contrary opinion: still, he has no right to tax me with presumption; since, in my judgment, the case has been so ruled by what I suppose I may be allowed to call the very highest ecclesiastical authority. But, my lords, if I were to assert of any individual adulteress, she is lost for ever, she has been guilty of that which never can be pardoned,—much more, were I to assert of all the women who have wantonly contracted marriage with the seducers of their affections from their former husbands,—If I were to pronounce of all these adulteresses, or of any one of them, that their irreversible doom is, to endless punishment, I should be guilty of most impious horrible presumption, and should justly incur the noble earl's reprehension. My lords, it is my duty to teach and to maintain, that there is no crime which, upon a true repentance, God will not pardon: and God forbid that I should think otherwise of these unfortunate women, than that many of them will be brought to sincere repentance; and when once they are brought to repentance, their pardon is certain. If the noble earl, therefore, when he says their case will be mercifully judged at the Last Day, means only that the merciful provision of the gospel for the pardon of penitent sinners extends to this species of sin as much as to any other, I entirely concur with the noble earl in that opinion: still I must assert, that the cohabitation of a wife divorced for adultery with a new husband, the former husband living, is adultery by the divine law; since I have for that opinion the decision of our Lord himself, and the apostle's exposition agreeing with my own upon that decision.

My lords, I must now go back to another ground of objection, namely, that this bill, not taking away the husband's action of damages when it makes the adulterer liable to indictment, in effect gives a double punishment for the same crime. My lords, is this any novelty in the law of this country? Are there not many cases in which a party, injured by

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such act of another as is at the same time a public crime and a private wrong, is at liberty to pursue the offender either by indictment or action of damages? But in such cases, the guilty party is not liable to both punishments; he is not to suffer for misdemeanor and to pay damages too. I believe, in all these cases, there is a particular process by which his majesty's attorney general calls upon the party complaining to make his election whether he will proceed by indictment or by action of damages. He is at liberty to take his remedy in either way, but not in both. And this, I apprehend, will be the case under this bill. This, however, is a point upon which I speak with diffidence, because it belongs to the learning of monks of another order: but if I have described the practice of the courts erroneously, I hope the superior of that other order, the noble and learned lord upon the woolsack will contradict me. But, my lords, we are told that the action of damages tends to promote adultery: and that, for this reason, a bill brought in for the prevention of adultery ought to abolish that action. It is supposed to promote adultery in this way: many a base sordid husband contrives to offer his wife to the arts of a seducer, in order to enrich himself by the damages which he hopes to recover. I agree with the learned lord, in the opinion he delivered the other night, that the injured husband in certain situations in life, may fairly and honourably seek the benefit of the action of damages; and that he ought not to be deprived of it; but in cases of connivance and collusion, it is my belief that the damages given by the jury never are received. And this is a strong argument for another mode of punishment not liable to be evaded by the collusion and secret good understanding of the parties.

I come now, my lords, to consider the last article of objection, taken from the supposed effect of what is called the abominable clause; as if that were likely to be the reverse of what the promoters of the bill expect from it. Upon this head, it has been argued, that the experience of the thing is positively against us. This inference from experience is not very clearly made out; but it is founded on a comparison of the manners of the women in this country, where the practice of divorce for cause of adultery obtains, with the manners of married women in foreign countries professing the Roman Catholic religion, which allows not of divorce for any cause. It is said that in those countries adultery is far more frequent; and this greater frequency of the crime is ascribed to the absolute disuse and prohibition of divorce in those countries. My lords, I am very ready to believe the fact, and very ready to admit that the true cause is assigned for it: because I can easily imagine, that the women will be less strict, where they know, that be their conduct ever so bad, their husbands cannot cast them off, but are still under the necessity of supporting them as their wives; and must father the offspring. This seems indeed to be a very strong argument in favour of our practice of divorce for adultery. I have sometimes had doubts upon that point; I have sometimes thought, that it had been a happy thing for the public if no bill of divorce had ever passed; but I confess, that the notorious prevalence of adultery in countries where divorce is by no means to be had seems to prove the contrary. But, my lords, there is no farther inference: I can find nothing in the statement of the case between this and foreign countries, that offers any thing like experiment to decide the present question, in this country, where divorce is admitted, of the policy or impolicy of the restraint proposed to be laid upon divorced women: nor do I see how it is possible that foreign countries should furnish any such experiment; because divorce must take place before you can have experience of the good or ill of any thing that is to follow it. I conceive therefore, that we have no way of judging of the utility or inutility of the restraint proposed by this bill, but by a probable estimation of the different manner in which the minds of parties in adultery are likely to be affected before the actual commission of the crime, by the law as it now stands, and by the law as it will stand if this bill should pass into a law. This is the only way to judge of the expedience of the clause of restraint as a preventive; in which light I consider it. Now, my lords, I imagine that in most cases of adultery that come before your lordships, the first incitement to the crime on either side has not been the mere animal appetite—not gross brutal sensuality that sentiments of mutual friendship and affection have mixed themselves with appetite; that these sentiments of affection have had somewhat of a just foundation, in the amiable qualities and

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elegant accomplishments of either party: I suppose that this mixed passion, a compound of desires highly criminal and of certain sympathies of the mind in themselves innocent, is in most instances the incentive to the crime on both sides; I may suppose too, that in many cases the husband's treatment of the wife is not such as to recall her wandering affections—that he cares little about her—that, from his indifference and her levity, they are become objects of mutual disgust and aversion,—and that the husband perhaps, no less than the wife, has set his heart upon a new connexion. Now, what says the law, according to the present practice, to these three parties?—It says this: "Nothing so easy as for all of you to have your several wishes. Nothing is wanting, but a little money on the part of the husband, who must set the whole scheme a-going, to answer the expense of the law proceedings; and that want the proceedings themselves may perhaps supply. Let the husband give the lady and the lover opportunity; then let him bring his action of damages; his damages if he takes them, will defray his charges in the spiritual courts and in both Houses of parliament. The lady must make no defence; she must kindly supply the husband with the proofs of her own shame; the lover must not defend the action of damages; he may find his account in suffering judgment to go by default. Great damages may be given; but if the husband is opulent, every shilling may be remitted. However that may be, if you can amongst you defray the charges, a divorce will be obtained, and you will all be at liberty." My lords, is it fit that the laws of a civilized country, of a Christian country should hold this language to three such parties as I have set before your lordships—the indifferent husband, the gay wife the amorous seducer?

But now, my lords, let us see how the matter will stand if the laws are altered in the manner we propose. The lady, I should think, will have some consideration of the situation to which the indulgence of a criminal passion would reduce her. I shall not dwell upon the miseries of that situation: they have been set forth with so much eloquence and feeling by noble lords who oppose this bill, that no words of mine could heighten the description. But, I ask, can noble lords imagine that the forecast of these sufferings, which they contemplate with such pangs of commiseration in a third person, will have no effect upon the mind of the woman herself, to deter her from those criminal indulgences by which she would be involved in them? Then, my lords, for the seducer; who probably, as the law is understood, palliates his guilty project to his own mind with the intention of making the lady his own wife if they should be detected and a divorce should take place,—will it be no restraint upon him, when the law tells him "You shall not be at liberty to give her this protection—to make even this imperfect reparation of her honour?" That a divorced wife, by marriage with her seducer, is reinstated in the character and rank which she held in society as a virtuous woman, is certainly not the case; however, she is brought into a situation of tolerable ease; in which she finds it not difficult to forego the enjoyment of that cast of society from which she is excluded. Will it be no restraint upon her lover, when the law tells him "It shall not be in your power to raise her even this step above the condition of absolute scorn and infamy: you shall not be allowed to confer upon her the name of wife?" Noble lords say "No; this will be no restraint upon his passions: it will be an incentive." Noble lords say, that it never is in the contemplation of a seducer to marry the woman upon whom his arts succeed: that no man, of his own good-liking and free-will, marries the woman he has corrupted: that the marriage is a matter of dire necessity, which the imperious laws of gallantry, it seems, impose upon him; and, extricated from the shackles of those laws by the operation of our bill, he will pursue his base purposes with less scruple and hesitation.—My lords, I really think this man of gallantry is very ill treated by his noble friends. I gave him, under the impulse of a criminal passion, some portion, however, of the feelings of a man—some share of the sentiments of a gentleman. His noble friends turn him into a downright hog; for there remains nothing but bare unqualified sensuality to be the incitement to the conduct which they impute to him. My lords, I really believe that neither this bill nor any other you can frame will restrain the passions of this swinish seducer. But frequent as the crime of adultery is, I hope, that these swinish seducers are very few in number. My lords, when we have spoken of connivance and collusion on the part of the husband, which we believe to be

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very common, noble lords on the other side have exclaimed "What! do you think husbands are so base? Your supposition is a libel on the character of the English gentleman!" I tell those noble lords, their supposition is the libel on the character of the English gentleman: though I cannot consent to couple the epithet of honourable with the appellation of adulterer, yet I am confident the swinish adulterer is a very rare character indeed among my countrymen. And on any but that character, this bill will be a powerful restraint.

And now, my lords, with respect to the situation of the divorced adulteress under the operation of this bill—it will unquestionably be a situation of extreme degradation and affliction; yet it is not a hardship brought upon her by this bill: She brings herself to it by her crime; and the bill only says, that she shall not be allowed to extricate herself from it by the very completion of a guilty project. And if this restriction be a punishment for one that will actually incur the punishment, numbers will be saved by the terror of the example. But noble lords say the situation of the fallen woman will be such as must drive her to absolute desperation, render repentance and the reformation of her life impossible, and exclude her from all hopes of future mercy. —My lords, that she cannot in the present world recover her situation in society, I admit; but I conceive that very circumstance, the mortified and solitary state to which she will be condemned, will be the surest means of bringing her to deep reflection—through reflection to repentance —through repentance to pardon. If she has any sense of religion remaining in her mind,—and God forbid I should suppose it totally extinguished,—the less she has of comfort and countenance in the world, with the more earnestness will she turn herself to God. She is surely more likely to repent in a state of retirement and solitude, than clasped in the arms of her seducer, and sharing with him in gayety and pleasure. Do noble lords conceive that the repentance of a sinner is impeded by the punishments applied to his crimes by the secular magistrate? My lords, my opinion is far otherwise: I have not the least doubt, that severe laws, and a severe execution of the laws, have often been the beginning at least of a complete radical reform in minds too depraved and hardened to be wrought upon by any other means: I have no doubt, that many of the worst criminals that die by the hand of the executioner, are brought, by the sentence which they suffer here, to a deep sense of their crimes, and to that repentance which will avail them in the last day. My lords, this is the presumption of our forms of law,—this is the opinion of the church. According to the received forms of law, the judge never pronounces sentence of death upon a criminal, but he adds "The Lord have mercy on your soul!" which would be a wicked mockery of the man's dreadful situation if his soul were utterly without hope of mercy. The church appoints a clergyman to attend the condemned malefactor in the interval between sentence and execution, to prepare him for death, and to assist him in making his peace with God; and if he gives signs of genuine repentance, the church so much relies on the acceptance of that repentance, that she permits him to be admitted to the sacrament. Thus dying by the stroke of vindictive justice, he dies in the peace and communion of the church; he dies a reconciled penitent, in the hope of final pardon. Were the case otherwise, I know not upon what principle capital punishments could be justified in a Christian country; for a sentence of death would be a sentence of much more than death,—an anticipation of the dreadful sentence to everlasting torment. Now, God forbid that I should deny to these unfortunate women the comfort of that hope which I extend to the very worst of malefactors; I doubt not, but that numbers of them will be brought to repentance and to mercy: but I contend, that the restraints laid upon them by this bill will be the most likely means to awaken them to repentance; so that this very severity in its effect is mercy.—My lords, you have been addressed as fathers,—you have been entreated not to be severe against those infirmities of our common nature from which your own daughters, with all the advantages of high breeding, cannot be exempt. My lords, I too call upon you as fathers; I demand of you, not connivance at the shame, but protection of the innocence and honour of your daughters! A father may have many daughters; if one of these is betrayed by those infirmities of our common nature, how is the father to protect the honour of the rest? Will he think its security too dearly bought by the sufferings of the guilty?

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How is it to be secured at all, if this guilt is generally to escape with impunity? —But, my Lords, I address you not as fathers individually: I say, that the innocence of daughters is a matter in which fathers ought to make a common cause; and the feelings of the individual must be sacrificed, when the occasion requires it, to the common interest.—My lords, once more I conjure you to remember, that justice, not compassion for the guilty, is the great principle of legislation. Yet, my lords, your compassion may find worthy objects: turn, my lords, your merciful regards to the illustrious suppliants prostrate at this moment at your bar,—Conjugal fidelity, domestic happiness, public manners, the virtue of the sex! These, my lords, are the suppliants now kneeling before you, and imploring the protection of your wisdom and your justice.

Lord *Mulgrave* repeated his arguments against the bill, and contended, that it would deprive women of all hopes of being restored to some degree of society, by a life of exemplary conduct and repentance; that it would drive them to prostitution or desperation, while it would encourage the seducer to proceed in his guilty career, as he would no longer be bound in honour to marry the woman whom he had separated from all the enjoyments of life; and therefore, that it would be equally opposed to justice and humanity.

Lord *Grenville* said, that after the able manner in which the bill had been defended, he should not have troubled their lordships with any observations, if he were not afraid that his silence might be construed into an acquiescence in the objections which had been urged against it. He differed widely from his noble friend who spoke last, in the application of the word "honour;" for he could not allow that there was any such thing as an honourable seducer. Much stress had been laid upon the conduct of ladies in Roman Catholic and other countries, who indulged in voluptuousness and dissipation, because they knew that such things were overlooked, and that they were not likely to be divorced or degraded from the rank which they held in society. But, in his estimation, this argument made strongly in favour of the measure; for as the same profligacy did not prevail here, it shewed that women were not unmindful of the consequences that were to follow their transgression. It was also urged, that ladies who were once guilty of infidelity, had no other means of returning to the path of virtue, than by marrying the very persons who had dishonourably seduced them. He was sure he could put a variety of cases, where his noble friend would not, as a moralist or a Christian, hold out such a doctrine to an offending woman. If there was no other alternative, he would ask, what was to become of the woman whose seducer should die before the divorce was obtained? What would be the situation of the unhappy woman, whom her seducer would not consent to marry? Or what return was there for the woman who, which not unfrequently was the case, had been seduced by a married man? The only way in which such a seducer could make compensation, as it was called, to the adulteress, was to contrive a divorce from his lawful wife—a kind of compensation that would lead to multiplied transgressions. The only restriction in this bill was, to prevent any marriage between the offending woman and her seducer.

The House divided: Contents, 48; Proxies, 29—77. Not-contents, 41; Proxies, 28—69. The bill was then read a third time, and passed.

Protest against the Adultery Prevention Bill.] The following Protest was entered on the Journals:

"Dissentient:

1. "Because this bill appears to me to be inefficacious for the purpose which it professes, and more likely to increase than diminish the evil; and that its proper title should have been 'A Bill to conceal 'Adultery and prevent Divorces.'

2. "Because in those nations where divorces are prohibited, the morals of the people are much worse than in this, and where they are allowed, but the woman is prevented from marrying the adulterer, as in Scotland, it has not been made appear that this crime is less prevalent than in this country; I therefore do object to these clauses, as I consider them founded on mistaken and immoral principles; on mistaken, because there is scarcely a single instance where it can be made appear that the adultery has commenced from this object; on immoral and unchristian principles, because they place the woman in a most miserable situation, and shut the door to all incitements to repentance, or hope, that by her future

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virtuous conduct she might atone to society for her former faults, and they cruelly condemn all the children which she may have to bastardy: whereas, as the law now stands it is proved by experience in every instance where the second marriage has taken place, the parties have led domestic and happy lives, and been useful members of society; this it was insisted in debate was a bad example, but it appears to me, it would have been a far worse one if, instead of the divorce taking place, the adulteress had continued to live on with her gallant, or if, after being divorced, she had lived on with the man unmarried: I therefore must think, that the cause of religion, public order, and decorum, cannot be furthered by this restriction, and am unwilling to agree to such material alterations in the law of England, being hurried through this House on merely a speculation that some good may be produced, where there is so little prospect of success, from any example which has been brought from any country, where this has been tried: these reasons appear to me sufficient for the vote I have given to reject this bill, and I trust will exculpate me from the unwarrantable charge which was made in this night's debate, against those who opposed this bill that they were encouragers of adultery,

(Signed) "PONSONBY."

Debate in the Commons on the Adultery Prevention Bill.] May 26. The bill, from the Lords, intituled "An Act for the Punishment, and more effectual Prevention, of the Crime of Adultery," was read the first time. On the motion, that it be read a second time,

Mr. *Bouverie* objected to the bill on parliamentary grounds, as it went to limit the powers of the legislature, by preventing the bringing in a bill of divorce, unless under the terms prescribed by this bill. The bill, too, presumed upon some abuse which the legislature had made of its powers in passing bills of divorce. Was that the case? If we were not justified in passing such bills, let us delegate that power to some more proper tribunal. But why we should put it out of our power to pass laws on bills of divorce he did not know. He would therefore oppose the bill in every stage.

Sir *Gilbert Heathcote* said, that he would give the bill all the opposition in his power, because it transferred the right of punishing from the jury to the judges, and armed them with new and formidable powers.

Mr. *Pitt* called upon gentlemen to say, whether they could throw out such a bill on a bare first view, unless they were decidedly of opinion that the parties should be permitted to marry again, or thought that the crime of adultery should not be punished as a misdemeanor. On the whole, he thought that the severity inflicted on the few would operate beneficially for the whole.

Mr. *Jolliffe* admitted that some regulations should be made; but these were so oppressive, and so unjust that the mind revolted at them. The number of divorces proved only that divorce bills were now more frequently passed than formerly; not that adultery was more frequently committed. He objected to making adultery a misdemeanor, but not to punishing of it severely.

The *Attorney General* said, that all the protection imaginable should be given to the marriage state; but he was hostile to the bill, and should give it his decided negative.

Mr. *Windham* gave his assent to that part of the bill, which made adultery a misdemeanor, but the part which went to prevent the parties from intermarrying did not appear to him likely to operate the desired effect.

The question being put, That the said bill be read a second time, the House divided:

Tellers.

YEAS	Mr. Ryder Mr. Wilberforce	152
NOES	Sir Gilbert Heathcote Mr. M. A. Taylor	38

So it was resolved in the affirmative.

May 30. The Master of the Rolls moved the second reading of the bill.

Sir *George Douglas*, in a maiden speech, said, that he was inclined to think that the bill would induce a greater evil than the proposed remedy would do good: it tended to make this crime still more injurious to the interests of society than as the law now stood. There were two descriptions of persons implicated in its operation; those who were hurried away by their passions, and those who acted upon a deliberate plan of seduction. For the honour of human nature, he was led to believe that the former constituted a more numerous class than the latter. With

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respect to the former, would this bill lessen the number of delinquents? The woman was sometimes betrayed by her seducer under a promise of marriage; she lamented her misconduct, and was anxious to make every atonement to society by the purity of her future conduct; in like manner, the man who, yielding to the momentary impulse of his passions, contributed to the ruin of female chastity, might wish to atone, by marrying the person he had unguardedly betrayed; but when he should see by this bill, that he involved the woman in ruin and infamy, the effect might be to divert him from the conduct which he ought to pursue. There were persons unfortunate, who yet had not lost all sense of virtue: by this bill, such persons would be entirely abandoned; the door would be shut against their return to the paths of virtue; a degree of despair would take place, and the unfortunate female might thus be involved in the fate of common and abandoned prostitutes. He could suppose the case of the daughter of a respectable family, entering the world with all the graces to adorn her station in society, young, beautiful, and unexperienced in the ways of vice, yet seduced by the arts of a designing man, under promise of marriage. Was it fit that this young unexperienced female should be the principal sufferer, whilst the seducer, prohibited by this bill from making her the only reparation in his power, was driven from the marriage bed to the polluted couch of some painted harlot?—And was it right that this man should be suffered to claim the benefit of the law as a passport for his dissolute conduct? The legislature should draw a line of distinction between the female he had described, and the abandoned prostitute, or the profligate seducer. Let gentlemen look at the operation of the bill with regard to the second class of persons; to men who sought to gratify their passions by the ruin of female virtue. At present, the idea of marrying the woman whom he had seduced, which the law of honour suggested to him, operated as a restraint upon his conduct; but this bill would remove that restraint. So far from interdicting the offending parties from intermarrying, the law should compel them to marry. Had it not been found, that women who had been afterwards married to their seducers, had generally led lives of retired contrition and virtue? What evidence had been produced to show that this bill was necessary? Was there ever a period when British valour, loyalty, charity, and public spirit were more conspicuous? And was it to be supposed that the mothers and daughters of England had had no share in thus forming the public mind?

Sir *William Scott* observed, that it had been adduced as a ground for the present bill, that more divorces had taken place of late years than at any former period. But, from the comparative view which he was enabled to take, he felt some satisfaction in declaring, that the general state of morals was not worse now than it had been in former periods. There were many instances to be found of a strict adherence in the people of this country to old English manners and English virtues; there were many bright examples of conjugal virtue and fidelity amongst persons of the highest ranks in society; nor did he think that it would be any discredit to this country to compare its state of morals with that of any other country, and particularly as it respected the crime of adultery. Let any gentleman look into the old English comedies, from Dryden to Congreve, as a specimen of English morals, and compare them with the more modern productions of the comic muse, and it must lead him to this conclusion, that the state of morals was worse formerly than now. He might also refer to the testimony of history, from the writings of the grave Hammond to those of the lord Clarendon. He must therefore have very strong evidence under his eye, before he could agree in thinking that the state of morals was deteriorated. The only evidence that had been stated was the increased number of divorces of late years. But he was led to suspect that this arose from causes which had little reference to the profligate state of manners; nor did he think it a probable thing that such profligacy should have broken out all at once. The state of opinion, and the laws, as respecting marriage, were to be taken into consideration. Before the Reformation, by the law of the church of Rome, marriage was a sacrament, and a business with which human legislatures had nothing to do. In consequence of this, divorces were not allowed. When sir Thomas Powys said, that for 600 years there had been but four or five divorces,*

* See Howell's State Trials, vol. 13, p. 1345.

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he said truth; but the answer was plain, which was, that no human authority had been allowed to lay its finger upon the subject till the Reformation. It was impossible to deny that some of the reformers ran into wild ideas on the subject of divorce, which were inconsistent with the solemnity of the marriage contract. The opinion of archbishop Cranmer was more consistent; he held, that adultery caused a dissolution of marriage; and that it was lawful and right for human tribunals and legislatures to pronounce upon their dissolution. It became the opinion in the country amongst eminent divines, and the law of the canons, that marriage, although not a sacrament, was a high, mysterious, and sacred ordinance, with which human legislature had nothing to do, and that even adultery itself did not dissolve the marriage. In the canons of 1603, an additional sanction was imposed, which made it necessary for the ecclesiastical judge to require a bond from the innocent party as well as the guilty, not to contract marriage during the lifetime of each other. He believed the first attempt to invoke the interference of the legislature did not occur till the year 1668, in the case of lord Roos; yet even then, though at the distance of a hundred years from the Reformation, so strong was the opinion that human legislatures had nothing to do in such matters, that it was with the greatest difficulty the Divorce bill was carried through the House of Lords, and all the bishops but three voted against it.* In 1715, bishop Fleetwood combated the same notions, which still existed in his time. After the accession of the present family to the throne, more liberal notions began to prevail; the legislature was more generally applied to on such subjects, and the old notions were gradually obliterated. Such was the reason why so few applications had been made for divorces till after the middle of the present century. Of late years, applications to the legislature for divorces were no longer resisted on old English ground; the expense formed one of the chief difficulties—but this obstacle was diminished in proportion as the wealth of the country increased. However, he could state, that there were as many ecclesiastical sentences of separation *à mensa et thoro* before, as since the Reformation. The number of divorces that had been sued for was more to be attributed to the prevalence of the new notions, than to the increased profligacy of manners. On looking into the records of the ecclesiastical courts for the last thirty years, he had found, that the number of these sentences had not much increased. From 1770 to 1780, there were about 44 sentences *à mensa et thoro*; from 1780 to 1790, there were 23; and from that period to the present time the number was 52. Many of these cases might have found their way into parliament from causes not connected with an increased depravity of manners. This was the case during the last year, when, in consequence of an order in another House, which bore hard on the feelings of one of the parties, these causes which had hung back were brought forward; but in the present year they were fewer. He did not think himself justified in entertaining the gloomy apprehensions as to the existing state of morals in the country which some persons did. With respect to marriage, two opinions had prevailed; the one that it was a mere civil, and the other that it was a religious ceremony. In his opinion it was both. As the law of nature, it was antecedent to the formation of society, and an important but a mere personal contract between the two parties. When society was formed, it became not only a personal but a civil contract, connected with civil privileges and obligations; when religious principles were received in a state, the marriage became also a religious contract, accompanied with plighted vows, and calling upon heaven to witness them. The idea that the marriage contract was indissoluble, was taken from the construction put upon certain texts of scripture. It was now the practice in every Protestant country but our own, for courts of justice to give a sentence of separation *à mensa et thoro*. He was, however, disposed to think, that the law in this country was placed on a footing the most consistent with the general safety; he meant so far, that the legislature should keep the matter of divorce in its own hands, rather than leave it to subordinate courts. By the existing practice it was requisite, to entitle a husband to obtain a divorce, not only to give proofs of the misconduct of the wife, but at the same time of his own good conduct. It was evident, that there might be great shades of difference as to the conduct of the husband, so as to

* See vol. 4, p. 447.

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render the decision of the legislature a matter of discretion which did not safely belong, and could not strictly be entrusted to a court of justice, where decisions were to be guided by strict rules of evidence and matters of fact. With regard to the present bill, in its present stage he should suspend giving any decided opinion: if he voted for its going to a committee, it was not on the ground of the increased number of divorces. If its tendency was to strengthen the fences of religion and morality, then undoubtedly nothing should be omitted calculated to answer that effect. He hoped to have found in this bill something equally pointed at the depravity of both sexes. If the House met this measure upon moral and religious principles, they ought not to do the business by halves; and as men, there was one part of it which it might be most proper for them to begin. It had been his lot, in the official situation which he held, to see the most injurious system of adultery on the part of husbands, the feelings of their wives wounded by the most glaring infidelity, and their constitutions poisoned by the most gross indecencies, whilst all the remedy which the wives had was a separation *à mensa et thoro*. He should be happy to see something inserted in this bill for the protection and happiness of daughters. It ought to go to prevent adultery in general, rather than the adultery of one sex. With respect to the clause which went to inflict penal chastisement on the adulterer, this was not new in the law of England. Adultery was in itself a crime pernicious and poisonous with respect to all the sweet charities of human life. It was already punishable by the ecclesiastical law; which, wherever it operated, was as much the law of the land as any other branch of the law. It must at the same time be admitted, that, from the state of modern opinions and manners, the punishment (that of public exposure and disgrace) was become rather a matter of derision, and was growing obsolete. But there were also sanctions of a more forcible nature: adultery was punishable by indictment in the courts of common law.— Sir William proceeded to state his doubts on the propriety of one or two clauses in this bill. He remarked, that it was only to operate in cases where the husband was living with his wife; but if so, no action would lie in all those cases where the husband lived in a state of separation from his wife. The tendency of this was, to weaken the crime of adultery, as the crime of the female was most likely to take place in such a state of separation. He had also his doubts with regard to that part of the bill which professed to erect a fence against collusion; also on that clause which enacted that the party should be convicted and punished by a criminal court; for he could conceive many cases in which a man might obtain relief in a civil court, without the cause being sustained in a criminal court; whereas, if he were to carry on an unsuccessful prosecution in a criminal court, he would fail in a civil court, and in obtaining parliamentary relief: and the expense of proceeding would also be increased by this bill, by the necessity of going through such a variety of courts, as well as both Houses of Parliament. He thought it was but just, on the part of the legislature, if it passed this bill, to secure the prosecutor against this increased expense. — He was inclined to think that the bill would tend to hold out a premium to the adulterer, in proportion to the terror which it held out to the adultress. It was already the existing law of the country, that neither party should marry again; all that the legislature did, was, to interpose special provisions in particular cases. With regard to the clause which prohibited the guilty person from marrying the adulteress during the lifetime of her husband, its effect would be, to give the woman her option of the whole world, with the exception of the single person with whom she had had a criminal commerce. He confessed that his mind was not cleared of doubts as to the policy of the present bill: at the same time, he should not object to its going into a committee.

The bill was then read a second time.

June 10. The Master of the Rolls moved the order of the day for going into a committee on the bill.

Sir *Gilbert Heathcote* did not think that the people of this country were so vicious, nor the state of public morals so depraved, as to require a bill so severe and exceptionable as that which it was now proposed to send to a committee. Why seek to arm judges with new and extraordinary powers? By the law, as it stood, they had it in their power to punish with imprisonment any one who could not pay the fine in damages inflicted in the courts of law. Before,

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therefore, the House agreed to such a bill, it should be shown that it would produce the good effect desired. Adultery was undoubtedly a crime. It was inconsistent with the security of society, and ought to be restrained in every way that sound policy would dictate. But he was afraid that frequent and severe punishments did not tend to prevent the commission of crimes. The House should be cautious how they passed laws which would add to the criminal code of the country. There did not appear to him any reason for complaining of the morality of the people. In latter times, under the influence of altered habits of thinking, we saw the husband sue for a divorce, but might not this be as certainly occasioned by a refinement in morals as by the alleged greater turpitude of our days? The clause in the bill disqualifying the woman from marrying her seducer was peculiarly severe and impolitic. An unhappy female who, yielding to the weakness of her nature, permitted herself to be allured by the arts of a practised seducer, or by the importunities of a deluded lover, was by the bill to be banished society, to be driven from the protection of her friends, and to be doomed to a life of sorrow and of solitude. The House would do well to recollect, that by inflicting too severe a punishment, women were likely to become objects of pity, who should be objects of indignation. In other respects the bill was highly objectionable. It violated the principle of the trial by jury, and trenched on the principle of free and independent legislation. The clause making adultery a misdemeanor, would not answer the expectations of those who framed it. What induced a man to marry the woman he had seduced? Why, a sense of the injury done by him to society. But if once the law enacted so severe a punishment as imprisonment, was it to be supposed that men who would be sent into the world like felons, would, after suffering so much, feel at all disposed to consider with tenderness the situation of the female? The bill tended, in his opinion, unnecessarily to increase the rigour of the penal laws, and for these reasons, he would oppose it in every stage.

Mr. *Erskine* said, that he should consider the question both as it regarded the morals of the country and the law; more especially because he was quite sure, that the defect in the law which it was the object of the bill to remedy had corrupted our morals and almost encouraged adultery, which though the most dangerous of all misdemeanors, was most unaccountably not to be found in the criminal code of England. It had been said in the former debate, that adultery had not increased; but supposing the fact to be so (which he did not believe), it was no kind of objection to the bill before them, as its preamble did not assert the increase of adultery as the foundation of the enacting part,—it only stated, that it was expedient to make further provision for checking the crime; and as it surely could not be denied that it had long existed in a dangerous and disgusting degree, that was a sufficient reason for considering the laws against it, and for removing their defects. It was by no means necessary to go into an unnecessary and doubtful comparison of the present with former times; for his own part, he was happy to express an opinion he had always entertained, that there was as much virtue in the great mass of the people as at any former period,—a truth which ought to animate the legislature to the parental duty of preserving it, more especially as wealth and luxury in the capital had opened many temptations which had not existed before.—The law as it regarded adultery was a compleat anomaly. Montesquieu had well observed, that the criminal code in every country ought to be uniform and universal in its sanctions; yet in England adultery formed the exception, and most unaccountably the only exception. The true way of proving this was, by attending to the nature of public wrongs and misdemeanors. Every possible wrong comprehended, or rather constituted, a civil injury; but some wrongs were so unusually dangerous and grievous to individuals, and from their frequency so injurious to the whole public, that they were lifted up into the scale, and became criminal offences. It was upon this ground, independently of the moral turpitude of the acts themselves, that murder, robbery, conspiracy, perjury, assault and battery, &c are inditable offences. Nobody could possibly attempt to deny that this was the whole theory of criminal law: nobody who had ever read a page in the 4th book of Blackstone would think of calling it in question; yet when this principle was admitted, adultery instantly took its place, as of right, in the criminal code as a high crime and misdemeanor, and

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an enlightened foreigner therefore must be astonished when he finds such a blank in a system which had excited for ages the admiration of the world. The opposers of the bill were consequently obviously bound to show that a greater evil would be produced by giving it that place than by leaving it a civil injury only, as the law now stood. There could be no other rational ground of opposition, since it was surely impossible to maintain that the crime of adultery, forbidden as it was by the law of God, was not an additional reason for its being placed in the criminal code of every Christian country. In considering its enormities as a private wrong, he would put out of view, for the present, the considerations which ought to raise it at the same time to be one of the highest public offences, and would ask only whether it was possible to contemplate a greater act of cruelty and injustice than to rob a man of that "where he had garnered up his hopes—where either he must live or bear no life?" It was impossible for language to describe the unutterable tortures that this basest of wickedness too often had produced. All other injuries, when put into the scale with it, were as nothing. What, then, was wanting to compleat the definition of a criminal offence in a civilized nation? What but its public consquences? and was there any other private wrong which produced so many? The sanctity of marriage, a contract which was the very foundation of the social world, was violated —religious and moral duties made a sport of—the peace and happiness of families utterly broken up—the protection of daughters destroyed, and their characters, though innocent, disparaged in opinion by the mother's dishonour.—Now was not a nation made up of families, and would it not be the height of folly to say that national prosperity was not deeply affected by such a crime? It had once been an offence of the highest order, and it was no argument to say that because, in the time of the Commonwealth, it might have been too severely visited by the pains of death, it should now have no punishment at all. It was, in every legal sense of the expression, a misdemeanor, and it was a distortion of the very elements of criminal law not to deal with it as a crime; and without any unnecessary panegyric upon the trial by jury, where else could it be impartially considered? nor was there a colour for saying, that any improper power would be vested in the judges by the ordinary jurisdiction of discretionary punishment.—Mr. Erskine said, that it never perhaps had fallen to the lot of any man to have conducted so many civil actions of this description, and it was the result of that experience which had convinced him, not merely of the impropriety, but of the senseless absurdity of considering adultery as a civil injury, instead of a high public offence. He had often indeed felt himself at a loss how to deal with the subject, when he recollected what he was asking from a jury for the sufferer, since the man who could consider any sum in the world as a satisfaction in damages for such an injury, deserved no damages at all. And this formed the shocking absurdity of the law, because instead of a severe criminal punishment, which even in honest resentment, was a species of consolation and satisfaction, it made it a civil injury, though incapable of a civil reparation. A person falsely imprisoned or assaulted, or the subject of many other civil injuries, could receive some reparation in money, but was it possible for a man of any principle or feeling, to receive money as a satisfaction from the man who had possessed the woman he loved, and expose him to the bitter pangs of so cruel a separation? So far from being a satisfaction, it could only remind him of the irreparable loss he had sustained. Thus by giving damages when none could be received as a satisfaction, and allowing no criminal prosecution, the law seemed to be most curiously contrived to disappoint both the sufferer and the public.—He perceived that the bill proposed that it should not be competent to any but the husband to bring the charge before a grand jury; which was another anomaly, but which might be justified, and which if not, might be altered in the committee. They were only now upon the general principle of the bill, which lifted up this pernicious offence to its true place and station as a misdemeanor. This course would also be more favourable to defendants, where there were proper circumstances of mitigation, than the civil remedy, by action. Every lawyer knew how difficult it was by the cross examination of witnesses, to get at them, and the hazard of giving adverse evidence, which gave the plaintiff's counsel the opportunity of enflaming the damages by a reply when the sudden impulse of the jury were in the moment to decide on the damages; whereas, after a criminal

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trial and conviction, they would have all the advantage that occasions could warrant in the cool consideration of the judges at a future period. On the other hand, if this discretionary punishment could be objected to as likely to be over severe, then the whole criminal code, as it regarded misdemeanors, must be recast, and it would be rather a novel mode of bringing about such a change, even if it could be considered as a reformation, by an objection to this particular bill. Had it been injurious to women from any defect of justice, to them in its provisions, or wanting even in fair protection to the guiltiest, he would have been the last man to support it, but he approved of the disability to contract marriage with the adulterer, which in the very outset of seduction would expose the snare by which so many had been ruined. On the principle of universal law, no contract, above all the most sanctimonious, should be founded upon the criminal breach of it; nor should a woman be permitted to go to the altar with a man who had seduced her to violate the sacred obligation she had formerly offered at its shrine. Mr. Erskine said, he owed it in justice to women to say, that his unexampled experience in the courts, on this melancholy subjects enabled him to declare, that the fault had rarely been in them; and the salutary operation of the bill now before them would be, that it cautioned them against disgrace, and by the infliction of a severe punishment upon the seducer, would be a check to him also, before his passions were too far engaged to be arrested in their course. Besides, if adultery were made a misdemeanor, we should not see the adulterer received in society as if nothing at all had happened, because it would be the office of the judges in cases of just aggravation, to preserve, by severe examples, the morals and manners of the people. Upon the whole, therefore, as he thought much good might follow from the measure, he should give it his support.

Mr. *M. A. Taylor* said, that no particular reason had been assigned for passing of this law. He saw neither its expediency nor necessity. No case had been shown, from the increased number of divorces, or the flagrancy of the crime to induce the House to make any further provision against it. Had it been proved that divorces were now only looked upon as matters of course? He was afraid if morality and religion had not their proper effect upon the minds of the people, that acts of parliament and severity of punishment would never answer the end. If we compared present with former times, or this with other countries, he thought we might feel proud from the comparison. This bill, he was afraid, would be of an injurious tendency to the morals of the people, whilst it would throw a lasting odium upon the existing age. Because France had done every thing against morality, was that a reason why we should contradict the two first principles of our religion, charity and repentance, and give way to the methodistical cant of the times? Besides, if severer punishments were requisite in case of other crimes as well as this, why select this? If the law as it now stood, and as it appeared to him, was wise, why change it? He entertained as high a respect for the judges as any man but still he could not approve of investing them with the power of inflicting the discretionary punishment proposed by this bill. Add to which, that in his opinion it would go to violate the rights of juries, whose province was to weigh and determine the quantum of damages to be awarded. If this was a question respecting which many doubts were entertained both in and out of the House, and by many wise and able men, why should the House be pressed to go into a committee, before gentlemen's minds were fully made up, and without sufficient proof being made out of the necessity for the measure? In his opinion, this bill would go to screen nine adulterers out of ten. There were many cases, as the law at present stood, when in a civil action juries would say, that although the flagrancy of the crime was not sufficiently proved, they saw enough to find a verdict of damages; but if tried as a misdemeanor, juries would then require the most circumstantial and positive evidence before conviction. According to this bill, and upon the trials being prosecuted in a criminal court, the evidence of the woman with whom the adultery was committed, might be produced, and thus such scenes would be laid open in courts of justice, as he hoped would never be sanctioned by the vote of that House. He put it to the House to consider what effect such shameful proceedings would have in corrupting the morals of the country. He might, indeed, say, in the words of a great moralist,

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" Eheu
Quam temere in nosmet legem sanctimus iniquam!
Nam vitiis nemo sine nascitur; optimus ille est,
Qui minimis urgetur."

Mr. *Windham* said, he did not conceive it necessary to dwell any time on the importance of the measure; that was acknowledged by all who had given it any consideration. A great master of old had said, that marriage was the elementary principle of society; and this being admitted, it was incumbent on the House to consider how best to preserve that state in its integrity and purity. The first question which suggested itself in entering on this inquiry was, whether the law now proposed was necessary; and secondly, whether any change in the manners and morals of the people had arisen to require such a law? And whether on the other hand, the measure now offered was likely to operate the reform which was to follow from it? He was of opinion, that the bill would not be productive of such salutary effects as some gentlemen appeared to anticipate. The increased laxity of public morals, but especially the increased cases of divorces in late years, might be owing chiefly to our increased wealth, and to another circumstance not less decisive, namely, the very great extension of that class in society known by the general description of rich gentry. What had been said of the harmony of the criminal code was true, as general doctrine; but nothing so loose would do to be adopted as a ground of legislation. It was objected to the making of adultery a misdemeanor, that it would cause the extension of the principle, and lead to general laws for punishing even petty moral violations. As to the law not taking full cognizance of the crime of adultery, he would just remark, that if the law on the case was not in terms a penal law, it became such by its operation. There was a fine inflicted; this was a penalty, and therefore it was a penal law. He thought that it was brought forward without full consideration; that it was a hasty, immature measure, which had grown up by chance. Half of it was added to a bill which was rejected, and only that half appeared to be at all concurred in generally; so that while the supplemental part was likely to be preserved, the first part would probably be lost. The chief objection to the bill was, not that the punishment bore unequally, but that it did not operate in both cases as a prevention. It was said that in point of fact its enactments would be a penalty on the woman, while it gave a premium to the man. Other objections had also been avowed. Some gentlemen adjured the House not to deprive the woman of the means of repentance; but surely that was a strange mode of repenting—for a woman to return to the arms of her seducer. In allusion to his mother's guilt, Hamlet was made to say, that his uncle's bed was not the natural place to repent the wrong done to a father. There was, as it were, a threat held out on the part of the woman, that if she should not be permitted to marry, she would go over to prostitution. Very few could sincerely admire this sort of sentimental affection, which ended on the part of the woman, in a determination, that if she were not allowed to marry, she would go on the town; it would only do in a German play, or a chapter of a modern novel; the House would proceed on better and less sophisticated principles. But most curious opinions had been held on this subject. It was said, that parties would be formed for the protection of the female, if the legislature did not protect her by sanctioning marriage with her seducer. He could only answer to this by observing, that the effect of such a combination must be rather to sink those who enter into it, than support those on whose account they coalesce. With regard to marriage itself, he would not however dissemble, that he considered it a matter in which laws could do least, and manners most to protect it. The last clause, however, which prohibited marriage, was capable of infinite modifications. He wished, therefore, that the bill should go into a committee.

Sir *W. Scott* said, that it appeared to him, that the increase of adultery was to be traced to the increase of wealth, to the increase of the habits and gratifications of luxury, and to the various additional opportunities which offered for the indulgence of sensual propensities. He was apprehensive no legislative provisions could effectually prevent a crime that operated in the most destructive way, upon the peace and happiness of society: yet, though no positive ground could be stated, that the present measure would prove adequate to an object so truly desirable, if it was likely to correct the evil to a certain degree, no man could oppose its adoption. It had been said that adultery was a crime: if it were really so, he

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wished to know how it was to be prevented by the existing laws? It was evident that adultery was not recognized by any statute law whatever as a crime, nor followed by any specific punishment. He would also contend, that the civil law had enacted no punishment against it; and, tracing it in every possible line, he found that it was known to the ecclesiastical law only as a crime. By that law, it certainly might have been punished; yet the punishment was so severe, that it was disused, and became indeed, from the change of manners, altogether inapplicable. Before the Reformation, there were no divorces in parliament; but were there no adulteries? Were there no proceedings in the ecclesiastical courts—*adulterii causâ*? He should think, from some circumstances, that in those times there was occupation enough in those courts of that kind. After the Reformation, for above 100 years, there was no proceeding in parliament for divorces: and for a reason he had given. But the ecclesiastical courts were entertaining suits of that nature. After parliament had very reluctantly entertained such applications, the public came in very slowly; for the prejudices of the country continued strong against the total dissolution of marriages; and it is not till within these thirty years that those prejudices were worn away, and that applications to parliament had become frequent. But the ecclesiastical courts were, in the mean time, open for separations *à mensa et thoro*; probably not in the number now received, since parliament made a proceeding in the ecclesiastical court absolutely necessary; because private separations could, in general, answer the purposes of a husband nearly as well as the separation by sentence; and there was just reason for thinking, that the ecclesiastical court was principally resorted to by women complaining of the infidelity of their husbands, and for compelling the payment of alimony in a state of separation. But suits were certainly entertained on the part of the husband, where he was determined to allow no subsistence to a delinquent wife, and no private agreement could be established; and he presumed that such suits were much more numerous than those which appeared in parliament. The husband, who had the power of the purse, could separate from the wife, without any aid of the ecclesiastical authority; but the wife could not enforce maintenance from the husband without such aid. That there had been some increase in the number of adulteries in modern times might be true, but not more than was the result of the increase of population, and the increase of wealth, which latter now enabled parties to sue for divorces, who in former times were deterred by the consideration of expense. The additional frequency, therefore, of these cases being brought before the view of the public, was not to be called an increase of vice in society at large. However, as adultery was a great evil in society, if the provisions which the law made against it were found inadequate, the legislature was called upon to consider of some better remedy. It was therefore the duty of the House to proceed to the consideration of a bill which prohibited the offence, and was calculated to prevent its progress.

The *Attorney General* said, that the object of the bill was, to punish adultery, and to regulate divorces. He certainly could not object to any just punishment that went to correct a crime of such depravity; but as far as the bill went to regulate divorces, it appeared to him to trench upon the privileges of parliament. When it was viewed in all its probable relations and effects, the consequences would be found to be, that the bill would necessarily interfere with that harmony and perfect accordance in the criminal code, so essentially necessary to be preserved for all the purposes of right legislation. He would, however, admit, that much might still be done in the committee to render the bill salutary in its operation. His hon. and learned friend had said, that adultery was not known to any law as a punishable crime, except in the ecclesiastical courts; but if he would look into the codes of the northern nations, as well as the ancient system of this country, he would find it had been punished severely, and with a cruelty which was not warranted even by the nature of the crime. When, indeed, Christianity had made a considerable progress, and the papal power had acquired great influence, the first code was changed, the original punishment was altered, and there was introduced into the ecclesiastical law the measure of punishment with which the crime was afterwards to be affected. That measure of punishment gradually lost its efficacy, and finally dwindled into insignificance. With respect to the clause in the bill which rendered adultery a mis-

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demeanor, he was decidedly of opinion that it ought to be made so in the husband as well as the wife. He should vote for going into the committee, without however pledging himself not to oppose the third reading.

The *Master of the Rolls* said, that the real object of the bill was misunderstood. It was said, that it was intended to inflict an unjust and cruel punishment upon the female, and to subject the man to an arbitrary and oppressive penalty. The object of the bill was neither to impose penalty nor punishment, but to lessen the frequency of the crime of adultery, the crime the most destructive of the peace of society of any that existed. Whatever might be the means to be employed, this was the sole end in view. Whether adultery had increased or not, he would not take upon him to determine; but certain he was, that the number of divorces had increased to an alarming degree. Before the reign of George 2nd the number passed was inconsiderable; in that reign 24 had been passed; in the present 99. The House would do well to pause for a while, and consider the propriety of this system. Adultery surely was a great crime; yet it was now only punishable by civil action. The jury, from detestation of the crime of the seducer, often gave vindictive damages to the husband. This practice had the worst consequences, as the husband might now sell his wife's honour for a piece of money. There was no doubt that husbands often connived at the misconduct of their wives, from the hope of being enriched by the damages they were likely to receive. Would any one say that that was a good system which gave rise to such enormities? Again, it very frequently happened that the damages were not exacted, and the adulterer escaped unpunished. Divorces, too, were granted when they ought to be refused; as the husband intimidated the wife from disclosing his misconduct, by threatening to act harshly to her paramour. At present, things stood in that monstrous situation, that persons might free themselves from the bond of matrimony by their own delinquency. If it had been foreseen that this abuse would have arisen from granting divorce bills, he was confident they never would have been granted. They were but of modern date; and of still more modern date was the custom of allowing the adulteress to remarry. He did not by any means say that such a marriage was illegal, and he was sorry that such a question ever had arisen. If any doubts were entertained, he would be happy in concurring in any measure for removing them. At present, a man might pay his addresses to the wife of a virtuous husband, and the mother of a numerous family, with equal confidence as if he were addressing a young lady who never had been married. Many other evils might be mentioned; but these were sufficient to prove the inefficacy of the present laws. The provisions of the bill were well calculated to correct these abuses.

Mr. *Wilberforce* said, that the question for the consideration of the House was, whether the crime of adultery had arisen to such a height as to require legislative provision? It could not be denied, that it was a crime which attacked the first germ of civil society. The Author of our holy religion had denounced it, and had dwelt upon it more particularly than upon any other. Marriage was by no means merely a civil contract: the state had a right to prescribe the ceremonies by which it should be contracted; but it was sanctified by religion, and was on that account more holy, and ought to be more indissoluble. No institution had been devised so well calculated to promote the happiness of man, and it ought to be regarded with the greatest reverence. In this light it could not long be viewed, if the present system were continued. Could it be a question, whether that should be made a crime in the code of English laws, which was already a moral offence of so deep a hue?—If he understood the lawyers right, there was not at present any penalty annexed to this crime. But it had been stated, that although there was no direct penalty, yet there was one practically, because the adulterer paid in damages to the husband what amounted to a heavy penalty. This circumstance was with him one great argument in favour of the bill, because he considered it improper that a penalty for a public offence should be paid in the shape of damages to an individual. A case might exist where the crime was consummated, yet where no penalty in damages could be inflicted. Suppose the case of a negligent and indifferent husband, ill-treating an amiable wife, while she was endeavouring, by the most persuasive of all eloquence, or continued love and kindness, to reclaim him: suppose, then, that an artful seducer should step in

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between her and the accomplishment of this desired object, and, by aggravating every fault of her husband, should induce her to deviate from the paths of virtue. Would any one say, that this was not the most guilty of mortals? Yet, should the husband bring an action against him, it would be said with justice, that the plaintiff was a careless, debauched, and profligate scoundrel, and that he ought to be non-suited. He could with ease state many other cases, where there was a loud call for punishment, yet where to give damages would be improper. We were now exactly in that state when a bill of this nature was necessary, and if we delayed much longer, it would be altogether ineffectual to stem the torrent of corruption. The principles of the people were still good, though their practices were beginning to be very immoral; and it was well known, that bad habits would ruin the best principles. Our wealth had greatly increased, and had occasioned a corresponding increase of luxury, directly tending to introduce licentiousness of manners, and some regulations were indispensably necessary to counteract this tendency. The science of morals was better understood than in any former age, and propriety of character was more accurately marked; but it by no means followed, that our actions were correspondingly laudable. Morals were formerly founded on religion; but the morality of the present day seemed to consist in a decorum of deportment, founded rather on the consideration of character than of religion. He would not deny but that in the reign of Charles 2nd there existed a most licentious court; and he could not omit this occasion of paying a just tribute of applause to the bright example which was exhibited by the court of the present day, and which, he was convinced, tended more than any circumstance to produce that moral decency so characteristic of these times. He therefore thought the present the proper time to pass the bill before the House. He thought the proposed punishment by no means too severe. Hitherto, the adulteress had been rewarded for her breach of the marriage vow, and there were many reasons why the intermarriage of the parties should be prohibited. It was the duty of legislatures to enact laws the best calculated to promote the present happiness of mankind. Even in this point of view it was very short-sighted to allow an opiate to be administered to the woman who had been guilty of such a crime, and to allow her to return to society to indulge in luxury and licentiousness, and to corrupt those around her by precept and example. He was greatly alarmed when he heard honour spoken of as contra-distinguished from honesty. This was false honour, the most dangerous of all principles. Against such principles he entered his strongest protest. It had been stated, that if the bill should pass, the number of adulteries would be increased, as the debauchee would then be more ready to prey upon the spoils of innocence, when there was no possibility of his being obliged to marry the woman he had seduced. He himself did not believe that the human heart could be so hardened, nor the moral principle so debased. But would not the removal of this restraint be more than counterbalanced by the ignominy which would attach upon the seducer, and the punishment he must expect to undergo? He would gladly give his vote for going into a committee. He considered this subject of much more importance than any question about peace or war, or any constitutional question; for, although the latter might have some remote influence on the comforts of families, yet the question then before the House went to the inmost recesses of domestic happiness; to the very foundations of civil society; and if the crime was suffered to go on unchecked, nothing could have a greater tendency to destroy the whole fabric of society.

Sir *Francis Burdett Jones* said, that the person convicted of adultery was already punished severely, by the monstrous and vindictive damages awarded against him. When this had not operated as a prevention of the crime, how could a punishment still more severe be expected to effect it? It had not been made out, that the state of the morals of this country required any such expedient. Adultery was not an increasing evil; and even if it were, he would object to all legislative interference; as every endeavour to strengthen the bonds of matrimony, and to draw them tighter, only weakened and rendered more uncertain, that connexion which ought to depend on far other securities. This bill, instead of answering its professed purposes, would tend to prevent matrimony, by surrounding that state with consequences and penalties altogether disgusting. The more a woman was put unde legal restraint, the more unamiable must

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the husband appear for whose sake the laws were enacted. Statutes might surround, but they could not protect the virtue of women. No man could suppose, if the present bill were passed into a law, that the crime of adultery would be prevented. Secrecy would be substituted in the place of reformation; and the law meant to better, would only undermine public morality. As a punishment, the provisions of the bill were totally inadequate. The clause which constituted adultery a misdemeanor, did not prevent that collusion from taking place which would render the law ineffectual. A person might make it worth the while of another to undergo the charge of adultery, and thereby accomplish what the bill was meant to prevent. The bill would open a door for fraud, instead of preventing ruin, and would make man and wife voluntary evidences against each other. Another objection to the bill was, the discretionary power it put into the hands of judges. Discretion did not always mean what was understood by it in a popular sense. Discretion in law was limited by precedent; but, in the case of adultery, there would be no limits, no landmark, by which the decisions of justice could be regulated. If the marriage of the offending parties was prevented, they would, in many instances, continue to live with each other on terms less honourable, and more injurious to society. A liberal-minded man, not able to make the best atonement to the victim of his illicit enjoyments, would nevertheless not consign her to irretrieveable reproach. The case would then be, that women, respectable for other virtues than those of the strictest chastity, would, by the splendor of their talents and accomplishments, form a third class in society, between the abandoned and the virtuous, not undeserving the notice and commendation of the world. This circumstance, above all others, would tend to confound the idea of right and wrong, and would be the probable result of this bill. In most cases, the cause of adultery originated in the husband, and not the woman; but the punishment annexed to the crime chiefly applied to the woman, which could not be just. It was not an instructive sight to the young, to behold women possessed of a considerable share of respectability living with men without the sanction of marriage. This, however, would be one of the consequences of the bill. To marry the person with whom she had offended, and to behave well in a new connexion, was the only mode by which an unfortunate female could hope to recover her lost reputation. It was idle to think of excluding amiable and accomplished women from society. If they were not allowed to reappear as the wives of their seducers, they would certainly re-appear in a worse character, and would do infinitely more mischief. It was far from true, that a woman did not now, in any degree, deteriorate her situation by being guilty of infidelity, provided she married her betrayer. Did she not lose the society of her friends, the esteem of her family, the affection of her children, the consciousness of rectitude? Were these deprivations not a severe punishment for her offence? In fine, as no benefit would be produced by the bill, as it would be the occasion of many evils, and as it was altogether inadequate to the ends it had in view, it had his most strenuous opposition.

Sir *Ralph Milbank* said, that the system now proposed was harsh and unfeeling. It tended to cast a frail, unprotected woman on the mercy of the world, and to shut her out from all decent society. In such uncalled-for severity, he could not acquiesce, especially as he could not see that the evil was increasing. Never would he consent to alter the mild spirit of the law of England, unless such alteration was called for by imperious necessity.

Mr. *Bastard* was against leaving it to the caprice of an individual to punish the crime of adultery, if it was to be made liable to severer punishment. The clause for preventing the parties from marrying was altogether nugatory. There would be fewer examples of adultery, if the offending parties were compelled to marry.

Sir *G. P. Turner* said, that if the abominable clause stood part of the bill, it would increase and not prevent the mischief complained of. Laws were intended more to prevent than to punish crimes; but when he saw enactments so cruel and so peculiarly oppressive to those from whom every human being derived his existence, he could not but object to them. If the crime of adultery required any punishment for its prevention, a better one could not be found than making the adulterer marry her whom he had seduced. If the adulteress was not suffered to marry her seducer, she would be cast out into the streets.

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Mr. *Sheridan* said, that the crime of adultery, so far from having increased, had been proved to have diminished. But, says an hon. gentleman, it is not proper that the crime should exist at all: true; but those who argued in favour of the bill, should show, that what they proposed to remove had not operated as a check upon the commission of the crime. This substituted law of honour, which induced the man to marry the woman he had seduced, had been strongly inveighed against; but he desired those who so inveighed against it, to show whether it had not been one of the causes of the crime having diminished. Would the removal of this law decrease it? What he complained of most was, that what was now proposed was all matter of experiment. Such a proposition, when the crime had been proved to be diminishing, was, to say the least of it, extremely desperate. Was it not true, that the women of this country were never more correct in their conduct than at present? If that was the case, was it a slight thing to throw out this unmannerly and unmanly slander upon the morality of the country? A learned gentleman had talked of exemplary damages being given. To talk of exemplary damages in civil actions, was talking exemplary nonsense. Who told juries that they were to be the *custodes morum?* The man who stated this doctrine was responsible for the effect it produced. A judge might think it proper to tell a jury, that twenty thousand pounds, that a whole fortune was not sufficient to repair the injury a husband had sustained: a jury, however, might think otherwise, and only give two. The same man might afterwards, by the present bill, come before the same judge, who might deem it to be his duty to make up for this supposed deficiency on the part of the juries; and this was one of the evils which this bill tended to produce. The bill was unnecessary, and he hoped it would not be suffered to proceed to another discussion.

The question being put, "That Mr. Speaker do now leave the chair," the House divided:

Tellers.

Yeas	The Lord Hawkesbury Mr. Elford	104
Noes	Sir Gilbert Heathcote Mr. Sheridan	143

So it passed in the negative; and it was resolved, that the House would, upon that day three months, resolve itself into the said committee.

Mr. Abbot's Bill for charging Public Accountants with the Payment of Interest.] May 19. Mr. *Abbot* rose to move for leave to bring in a bill "for the more effectually charging Public Accountants with the Payment of Interest." He contended, that the general policy and justice of such a measure were unquestionable, upon this ground, that persons who stand in the situation of public accountants should be charged with interest upon the monies which they owe to the public, in as much as the public itself might derive interest from the use of those monies if paid when due. That in former times, when the pressure of public burthens had called the attention of parliament to these matters, the principle, such as he now stated it, had been expressly recognized and enforced; and particularly during the wars of king William and queen Anne, laws were repeatedly passed to prevent a practice which obtained to a great extent, according to the then course of the exchequer, and it was provided by parliament that interest should be charged upon all Exchequer orders and tallies issued for army or navy services, from the time of their being intrusted until the period of their being actually disbursed. During the present reign an end had been put to that particular species of abuse, by transferring these issues from the private custody of the treasurer of the navy and the paymaster-general of the forces, and lodging their amount in the Bank of England. But another very flagrant abuse had since sprung up, which called loudly for redress, namely, the long detention of large balances by public accountants after their employments had ceased, and their accounts were closed. Upon this head the law at present was extremely defective; for although it was undoubtedly true that in some instances the claim of interest had been maintained on the part of the crown, where it could be proved that the party had put the public monies out at interest for his own personal emolument, and although the same right had been also enforced upon the submission of a party to pay interest, yet neither in these nor in any other cases could this right be established or prosecuted with effect without a particular suit by special information in such individual case.—In order, therefore, to render the operation of the

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law more extensive, effectual and expeditious in all cases, and to prevent any occasional hardship which might arise from enforcing this claim unexpectedly, it became necessary to enact some general and explicit regulations, prescribing the time, mode, and rate according to which interest should be charged: that it was not proposed by any means to apply these regulations to current balances upon any open, unsettled, ordinary account, all of which might better be left to the vigilance of the different boards under whose control they now are: that in general those balances appeared to be restrained already within moderate and reasonable limits; and although, in some few instances, such as the revenues collected in Scotland, and the stamp duties in England (an establishment which required in many respects to be thoroughly visited), these balances might appear to have run to excess, yet he hoped it would be found by the treasury returns respecting their further proceedings upon the finance reports, that steps han been taken to curtail these balances; and at all events it was his intention to keep this object within the view of parliament, by calling annually for accounts of this class and description of balances. The measure now offered was to apply only to balances resulting from settled and final accounts, comprising all cases, however, where they had accumulated, either in the hands of persons employed to collect the revenue, or to disburse the issues intrusted to them for the public service. — The regulations would be confined to three points. The first of them would be to adopt in the Exchequer the same rule of justice between the subject and the crown as is now administered by all courts between subject and subject; and in striking the balance due from the accountant, to add to the principal debt the amount of such interest as he has actually made or may be presumed to have made upon the sum in which he stands indebted. The second would be, to give an opportunity to the party to dispute the charge for interest (if he thinks fit) in the same way which he may now take to dispute the principal debt; providing, however, that immediate interest should run against his account, pending the litigation, in order that he may not derive a profit by his own act in interposing this delay. The third point would be, to make the total amount of the debt for principal and interest, when finally established and declared, carry interest until the time of its final liquidation. As to interest for time past upon such debts as were already established, he had nothing to propose; those cases might be left to the law as it now stands, and he neither used them or referred to them otherwise than as warnings for the House to provide more effectually against their recurrence in time to come; the whole operation of this bill would be prospective for the payment of such interest only as should accrue henceforth.—From these regulations many beneficial consequences might be confidently expected. Persons interested with the expenditure of the public money would be less eager during the continuance of their employment to draw it unnecessarily into their own hands, if they foresaw that such a practice would tend to load them with interest for what they might draw beyond the real or apparent exigency of the service: that at the close of their employment the actual amount of the interest lost to the public by their misconduct or rapacity would be demandable in all cases, and in many would be actually refunded: that a still more important effect would be produced during the discussion of the account, by taking from the party the direct motive which he now has to procrastinate its final settlement; and that, by thus accelerating the settlement, the public would no longer incur the same hazard to which it is now exposed, of suffering by the ultimate insolvency of the party, or the dissipation of his property by his heirs. None of these abuses, which it was thus proposed to counteract, could be deemed imaginary evils; for there was no man in any degree conversant with public affairs, who could not from his own observation or memory supply many striking instances in which they have been realized, to the detriment of the public always, and not unfrequently involving also the delinquents themselves and their families in distress and irretrievable ruin.—In addition to these considerations, there was another to which he desired to call the attention of the House, by remarking upon the state of the accounts now depending before the commissioners for auditing the public accounts, amongst which there were very few hitherto delivered respecting the expenditure of the present war, and yet amongst these few there were some of an immense extent and amount. That government had done well during the present war in following the recommendation

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of lord Dorchester and the other commissioners of accounts appointed after the American war, and that they had done well to send with each army upon foreign service a commissariat establishment to manage and superintend the accounts of expenditure at the time and upon the spot. But nevertheless all these accounts must ultimately come before the auditors here, whose establishment, however well it might be suited to the transactions of peaceable times, was utterly incompetent to the accounts of a war upon so extended a scale as the present; and he therefore advised the House and his majesty's ministers to consider whether it would not be a measure of economy rightly understood to follow the precedent so frequently resorted to during the present century, by appointing an auxiliary commission for the sole and express purpose of auditing the war accounts; and that past experience, joined to present observation, would suggest many very useful regulations for giving a better effect to the whole system of passing the accounts belonging to extraordinary services. The present bill, however, he submitted to the House, as introducing a material improvement in the law of the Exchequer, and as a measure just in itself towards the public, and unjust to no man.

Sir J. Anderson seconded the motion; and Mr. Tierney and the Attorney General strongly expressed their approbation of the bill. Leave was given, and the bill passed its several stages without opposition.

Debate on Mr. Tierney's Motion to limit the Duration of the Income Tax.] June 5. Mr. *Tierney* said, he rose to move for what he had called in his notice a Repeal of the Income tax, but which he did not now wish to have understood in those terms. He rather might be said to rise to move for leave to bring in a bill to limit the Duration of the Tax on Income. His intention was merely to fill up the blank in the bill now before the House with the words 5th of April 1801, and to allow the tax to continue till that period. Supposing the House should adopt his motion, it would still be competent, if the circumstances of the country required it, for any member to move for its continuance another year; for although his opinion was, that this mode of raising the supplies within the year was not only not available, but even if it were so, that its advantages were materially overbalanced by its attendant evils, yet he should have no objection to voting its continuance another year as a war tax. He considered it a tax which, like all other war taxes, ought to be voted annually, and in no other way. He was actuated by two motives in bringing forward his motion at the present moment: first, he wished to have the sense of the House on so important a subject previous to its separation in its collective capacity, and to avail himself of the opinions of the individuals composing it: his second and principal motive was, that he might expose a system of finance wholly inadequate to the purpose intended to be answered by it; and that he might show those who purchased into the public stocks of the country what their real situation was. Such were the grounds of his motion; but he was aware that he should be asked, why he wished to get rid of this tax altogether? His answer was, that it was a tax he had always been an enemy to. To the principle of raising a large sum of money within the year, he was ready to subscribe; but he was inimical to that principle being carried into effect through the medium of an income tax. It was a bad mode of raising the public money. This opinion, it might be said, was the result of prejudice: true; and for that reason he should not have held himself justified in taking the present step, if he had not other grounds. The chief of these grounds was, that in consequence of the circumstances that had taken place in the course of the present session, the tax was no longer the same tax it was originally stated to be. The chancellor of the exchequer, in 1797, had conceived the project of abandoning the old funding system in order to raise the supplies, and to determine that a new system should be had recourse to, namely, that, in every year, a large sum of money should be raised within the year, by an arbitrary mode of taxation, determined by the amount of assessed taxes paid by each individual. The sum proposed to be raised originally by the assessed taxes was 8,000,000*l.* within the year. The measure had failed of producing that sum. The produce of the tax, with the operation of the different modifications, was 4½ millions, and with the voluntrary contributions, was, he believed, raised to 6½ or 7 millions. The right hon. gentleman, in the next year,

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thought fit to adopt a new mode of taxation, and to shift his criterion of property. The former criterion was expenditure; under this new mode, it was income; and the principle upon which it proceeded was, that whatever the income of an individual was, he should pay a tenth of it toward the public supplies. The produce of this tax was estimated at ten millions. The chancellor of the exchequer, to convince the House of the solidity of his system, had last year placed on the Journals a resolution, which stated, "that the produce of the tax on income was originally estimated at ten millions, and that it was important that measures should be taken to render it productive to that amount."* Thus, in order to give solidity to this favourite system of finance, it was necessary that ten millions should be raised within the year. If ten millions could be raised, the arguments with which he combated the tax would fall to the ground; but, in proportion as it fell short of producing that sum, they were strengthened; and the question was whether the chancellor of the exchequer was justified in persisting in a tax which neither had produced nor could produce the sum stated to be indispensably necessary to ensure its successful operation. Upon the deficiency in the produce of the assessed taxes, great expectations were formed of the result of the voluntary contributions; but at present no one dreamt of voluntary contributions: they had disappointed the expectations formed of them; and unquestionably would again, if resorted to. In 1799, instead of ten millions, which had been stated as necessary to carry the system into effect, it had produced only about 5,800,000*l.* In the present year, the estimate was, that it would produce 7,000,000*l.* Taking the three years, 1798, 1799, and 1800, this tax, which, to have any beneficial effect, was estimated for each year at 10,000,000*l.* would produce not much above 15,864,000*l.* exclusive of the voluntary contributions. This was all the advantage the public had derived from the operation of this system of finance. It might have been expected, that this tax would have precluded the necessity of adding to the public debt. In 1797, the minister proposed his system of raising the supply within the year. He kept his word with the public; but in 1798 he added eight millions, in 1799 fourteen millions, and in 1800 thirteen millions to the debt of the country. Was any thing beneficial then, to be expected from a system, the pretence for which was, that it rendered permanent burthens on the country unnecessary? The tax for the present year, the chancellor of the exchequer had stated at 7,000,000*l.*; but at the time he had so stated it, he had a bill in contemplation, in order to produce that sum. That bill had been brought into the House in silence early in the present session, and taken away in the same manner. It had been said, that by the operation of that bill the deficiency of the former one would have been made up. It contained some severe clauses with regard to the merchants. It was proposed, that they should be used in the same manner as other men; that their commercial commissioners should be taken from them. The deficiency was now to be made up, by an increase on farmers and occupiers of land: with regard to the farmers, he believed the bill, as it now stood, would operate as a drawback as to the small sum required of them; but if owners and occupiers of land were to be taken into the account, it might have some effect. The actual produce of the tax was not much beyond 3,000,000*l.* Ought a system attended with so many inconveniences to be pursued? It was also to be considered, that on the produce of this tax there was already 13,000,000*l.* mortgaged. Was it, then, too much to say that the system had given way? The chancellor of the exchequer might maintain that his present plan was an excellent one. Let it be so or not, it was quite a different thing from that which he had originally induced the House to sanction; and not the least part in which it differed, was that which related to its duration. The probable duration of the tax would extend to the year 1810. Had the right hon. gentleman intimated that, would not the House have rejected it? It had been considered merely as a measure of a temporary nature, and it was under that impression that it had been so readily assented to. But, perhaps, it might be urged, that this was not a permanent tax? What was meant by a permanent tax? Surely, a tax which he should not see the end of in the course of his life he had a right to consider a permanent tax. For all the inconveniences with which the present measure was fraught there was but one remedy; that

* See vol. 34, p. 1152.

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remedy was to raise the ten millions within the year. It was not possible to raise such a sum within the year by a tax upon income, nor was it even probable that it could be raised to seven millions. It was, then, for the House to say, whether they would proceed in a system which, in the course of the two years that it had been tried, had developed itself to be as weak and futile as he had described it. The chancellor of the exchequer had admitted that the sum necessary could not be raised by the present measure. Was it too much to ask him not to persist in a system which would not produce 7,000,000*l.*, and of which he could not regulate the collection? If he did persist, he would justly incur the charge of obstinacy, as he would be carrying it on with the conviction, that it was not likely to be attended with those advantages which he had originally conceived would result to the country. His prudence ought to induce him to abandon it. As the tax now stood, it was not such a one as the chancellor of the exchequer had pledged himself to the House it should be. He trusted he had made out a strong case as to the failure of the tax: he had not arraigned the original system of raising a large sum of money within the year—it was not that he disliked the original stock, but the bastard scion that had sprung from it. It had no other object than that of raising the funds. It had been stated, that it would operate to the relief of the public credit; he admitted it would so far operate to its relief, that at a peace the commissioners for paying off the national debt would be enabled to lay out eleven millions instead of five. The operation of the tax in raising the funds was to begin, not in time of peace, but in time of war. He was persuaded, that at the return of peace, it would have a considerable operation upon the funds. There were many foreigners who had money in our funds, which they had advanced at a low price. Was it proper to enable them to get out of our funds, at the return of peace, a considerable advantage, by the operation of such a plan as this? He did not mean to deny the chancellor of the exchequer's knowledge of finance; he allowed him to possess very eminent talents in that line; but this he would assert, that no part of his fame would rest upon this system of finance.—The right hon. gentleman would say, no doubt, that the revenue flourished, he admitted it; but it was owing to the war. That the country was able and willing to pay the tax, might also be asserted; but let it be remembered, that there were few men possessed of property that had not something in hand for an emergency. Great would be the difference through ten years, when men called to their view the duties they owed to their families. He then proceeded to prove, that it acted with the severity of a tax upon capital, though laid upon income; and from this inferred its cruelty and oppression. It was a constant outgoing to every person in the country; and it was only on the funds that it could have a beneficial effect. On that ground alone, then, he should think himself justified in proposing to limit its duration: but, exclusive of this objection, the tax was radically bad. There was a great difference in 1,000*l.* a year from landed property, and from sources that were not disposable. The latter admitted of a variety of degrees and different amounts in value. A man of 50*l.* a year landed estate might be a good father, and yet spend the whole of his annual income; not so with a man who derived it from trade or profession. If, then, such a system should become permanent, this must cease to be a country worth living in, as one in which the blessings of liberty could not be enjoyed. It was a system which could only be carried into effect by spies and informers, and as such unfit for a free country. There was to be an addition of 99 inspectors to the former, for the purposes of this tax. He wished to avoid harsh expressions when mentioning those persons; they were good-looking men, dressed in good cloaths, selected from the tax office for their activity and vigilance. But what were their habits, and what had been their employments? They were persons whose duty it was to go about and see the number of servants, horses, dogs, &c. that each man had and to make a true return; in this it was their interest, as well as duty, to be keen and active. These were the persons that were now to inspect men's properties, and to get at the truth by getting at the secrets of every man's affairs. How was this to be done? By cajoling, corrupting, and bribing the clerks and domestics of the respective houses they wished to examine; actions for which a man ought to be hooted out of society. This, then, was not a country for an honest man to live in. It was a country, not for men of plain and honest feelings, though it might be

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for placemen and pensioners. In these observations he did not allude to the past conduct of these inspectors. He only meant to say, that, to fill their office effectually, they must wade through the dirt, and descend to the most shameful practices. Against the commissioners he had nothing to urge, they were respectable men; but the present description of them must dwindle fast away. It could be no situation for a gentleman, that would oblige him to hold daily communion with spies and informers. He was certain, that in the course of ten years the whole description of commissioners would change, and the office would pass into the hands of low and sordid men.—He further observed on the operation of the system of taking the tenth of every man's income. It impoverished the middle class, and advanced those only in trade who could put the additional burthen on the article in which they traded. Under this consideration, he trusted the House would pause before they suffered the whole community to be oppressed. In the education of their children, what could parents now do? On looking to the gentlemen of the army and navy, was it honourable to take from those who had served their country, the tenth of their income for the remainder of their lives? Such was the depreciation money had undergone, that 700*l.* a year was better before the war than 1000*l.* now. The consequences would be visible in the orders of the church and the magistracy: those offices would lose much of their respectability, because they would not be discharged as they were used to be. The gentry who possessed from 1,000 to 1,500*l.* a year, and who kept their carriages and horses, were driven into little towns for shelter; and the middle class, which formed the most respectable part of society, were likely to be soon extinguished, ground down by the oppression of this tax. When that class was destroyed, the best class of subjects would be annihilated. They filled that order in the state which placed them too high to be led away by wrong opinions, and left them sufficiently low to have a fellow-feeling with the great mass of the people.—But the right hon. gentleman would say, that all this was but a transfer of property: that he admitted, but he denied that it was beneficial to the country, because it did not go, in its transfer, to pay off the sums we had borrowed, but to enrich individuals: and it was hard on those who had shown a zeal for their country, to be treated harshly by it. He would maintain, that transferred property was not the same in spirit as it was in substance; for upstart wealth assumed a different character. An estate transmitted from father to son, carried in its course certain duties and obligations which were attached to it, and which in the transfer altered their condition, and were destroyed. Hence might be inferred, that change which the manners of the community must undergo, and a change, he dreaded, much for the worse. It was on motives such as these that he called upon the House to agree in the motion he had to make. He did not desire to derange or to embarrass. His object was, to preserve the balance and well-being of the community. Should he, however, fail in his motion, some good would still follow; it would operate as a notice to people of small fortune to change their mode of living, as they would be unable to maintain their rank in society. All he asked was, that on the return of peace they might be allowed to retrieve, by economy, the ravages which war had made on their properties. Under the present system, no retrenchments could set them to rights. They had no resource but to quit their rank in society. He then concluded with moving, "That leave be given to bring in a bill to limit the Duration of the Tax upon Income."

Mr. *Pitt* said, that one radical error pervaded the whole of the speech of the the hon. gentleman, that of supposing the tax upon income was imposed by a wanton spirit of innovation by those who had argued it as a measure of finance, and without a sufficient ground appearing of its necessity. When we were called upon to meet an extraordinary exigency for which the funding system was not of itself sufficient, it would be idle indeed to expect that such a confluence of difficulties as we had met with could be overcome without extraordinary exertions: he believed, however, that the measure which the legislature had adopted, would in its matured state, surmount the difficulties; but even in its present imperfect one, it would go a great way towards that desirable end, and was a measure superior in its nature to any system of finance that had been adopted in this country, in point of prudence, policy and justice, as well as of efficacy. It had been maintained, that to

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attempt to raise so large a portion of the supplies within the year would materially diminish our prosperity as a commercial nation, by impairing the sources of our finance. The best answer to this was, that the experience of three years had shown the direct contrary of these confident predictions. The hon. gentleman had urged the inconveniences which must arise from the tax on families of moderate income, and particularly on the middle class of the gentry. He had also stated, that the operation of this bill, was to reduce a person of 1,000*l.* a year, to the state of one formerly at 700*l.* But the real question, in considering the policy of the income tax, was, whether, if the same sum were to be raised within the year by taxes on articles of consumption, they would not be more severely felt by the consumer than this tax was? Most clearly it would, because it would be impossible to lay any tax on articles of consumption, without more going out of the pocket of the consumer than came into the exchequer. Then how did the objections to this tax apply to the proprietor of land more than to any other gentleman, or to the middle order of society? What was the option of the legislature? Either to take this method of taxation; or recur to the old system of taxation on articles of consumption; or reject the idea altogether of raising a large sum of money within the year, and thereby put an end to the contest in which we were so necessarily engaged. When he first moved this subject in the House, that his object was, to raise a large sum of money within the year, was most true; that he had stated it to be his hope that it would produce ten millions a year, was true also; that it had fallen short of that sum was equally true; but what was the inference? We were in hopes of ten millions; we had seven out of the ten: and the hon. gentleman insisted that all the solidity of the principle was gone; since it had produced only seven-tenths of its estimate. He contended, therefore, that the arguments of the hon. gentleman upon that subject were not conclusive, and that the experiments hitherto made upon the income tax were not sufficient to enable us to judge of its final amount. This system had produced less than its estimate, and yet it had worked a great change to our advantage, and had revived and animated the hopes of the rest of Europe. Its failure to produce the whole was, instead of an argument against the principle very strongly in its favour, since nothing but the excellence of the principle could possibly be inferred from a measure which produced such beneficial effects. He then proceeded to observe on the probable effect that the borrowing all the money which had been raised for the three last years would have had upon the public funds, if the old system had been adopted. In the course of the last three years the manner in which money had been borrowed, had produced to the public, in comparison of what must have been the effect of borrowing on the old system, not less than 24,850,000*l.*: this was among the advantages that the public had already obtained by a measure which was called inefficacious. The hon. gentleman, had said that the income bill tended to rise, unduly, the price of stock, at the expense of the landed interest, after the war was over. If the hon. gentleman thought that this bill would be the effect only after the war, he ought to have confined his motion to that subject, but his motion went to take away the effect of this system, whether the war continued or not. He was much deceived, if the House had any idea of acceding to such a motion. It should, at all events, be deferred to a period of peace; and then the House would consider whether it would continue the measure; and if it did, under what modifications, and to what extent. He did not call this measure, although adopted by parliament, a pledge that it should be continued for any given length of time; it was not in the nature of a bargain, that this system should at all events be continued. The hon. gentleman had contended, that this system was favourable to the monied men, and allowed to the money lenders exorbitant profits. Now, how did the fact stand? Why, that, considering the state of the funds, the bargains made for loans since this system began to operate, had been more beneficial to the public than at any former period. If to wish to raise the funds, and to be instrumental in effecting it, was a crime, he was ready to plead guilty to the charge. At the same time, he must say, that those who profited by this were not the moneylenders, but the nation at large. It would be a violation of common sense to say, that any landowner could be so situated, as not to have a direct interest in the value of the funds; an indirect interest every individual had. The lower the interest of money was, the

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better it was for all classes of the community. And this, he contended, was the general effect of the system which the hon. gentleman proposed to set aside. Upon all these grounds he should give the motion his decided negative.

Mr. *W. Smith* observed, that this tax bore unequally on different persons, inasmuch as it raised a similar sum on all sorts of income, whether that income were of the value of three or of thirty years purchase. Could that be a fair tax which was equally raised from a person of 3,000*l.* a year, and one of only 300*l.*? Surely persons ought only to be called upon to contribute in equal proportion to their interest in the country, and to their means of payment. He must also insist on the extreme unpleasantness of the means resorted to in levying this tax.

Sir *Robert Williams* said, that he was ready to grant ministers every means of prosecuting the war with vigour and effect; but they seemed determined to extend the tax beyond the duration of the war; and this was more than he thought himself warranted in agreeing to.

Mr. *Buxton* said, he was a friend to the tax upon income, because it came nearest to a tax upon property, neither was it liable to the objections that were urged against a tax upon property, for it affected the produce of property, not property itself; and it moreover fell on those who were best able to pay it. He was one of those who were called the landed gentlemen, and he was ready to give up a tenth of his income not for ten, but for twenty years, nay for, ever, if the remainder of his propertywere secured from the inroad of French pikesand French principles. Nor was the tax to be perpetual; but was only to continue till the interest on the sums raised for the prosecution of the war should be paid off.

Mr. *Manning* said, that he, for one was unwilling to abandon this new system without some gentleman showing him how the six millions could be levied so well by any other mode; besides which, there was every reason to expect that the amount of this tax would continue to increase.

The House divided:

	Tellers.	
Yeas	Mr. Tierney Mr. William Smith	24
Noes	Mr. Buxton Mr. Manning	114

So it passed in the negative.

Debate in the Commons on the Monastic Institutions Bill.] May 22. The house having resolved itself into a committee of the whole house, to consider of an act made in the 31st of his majesty, intituled "An Act to relieve, upon conditions, and under restrictions, the persons therein described, from certain penalties and disabilities to which Papists, or persons professing the popish religion, are by law subject,"

Sir *Henry Mildmay* said:—Sir, I shall preface the resolutions I am about to submit to the committee, with a few remarks which, from my local residence in a populous city that has lately been the residence of many of the emigrant priests and others, have occurred to my observation, and which I think it my duty to submit to the serious consideration of parliament. I am one of those who think that if there is any thing that eminently distinguishes the British character in the eventful period of the last ten years, it is to be found in the humane protection that has been extended to that unfortunate and meritorious class of men, who have preferred the sacrifice of all their temporal interests, and actual expulsion from their native country, to the abandonment of their principles and their religion, to a participation in the atheism and anarchy of republican France. And so far as my own observations and experience have gone, the generosity that has been so liberally afforded by the country has been justified by the peaceful demeanor; by the unassuming and unobtrusive gratitude of those who have thus largely partaken of our bounty; and I am the last man who would wish to contract that bounty which has supported them, or that spirit of toleration that has admitted the Catholic emigrants to the free exercise of their religious duties, so long as they are not inconsistent with the safety of the church and state. The various asylums with which this country abounds for the reception of these unfortunate fugitives, are highly to the honour of this country; but however to our honour it may be to have afforded protection to such individuals, and to have tolerated them in the private exercise of their religious duties, I cannot conceive that it ever was the intention of government to encourage the permanent reestablishment of monastic institutions in this Protestant country. However to our honour it may be to have suffered those

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individuals, who had previously bound themselves to the duties of a monastic life, to discharge, in this country, those vows whence, in their mind, no human power could release them, I think such indulgence ought to expire with the life of the present incumbents; that we ought not to suffer the vacancies which may happen to rise in such communities to be filled up by subjects of this country, actually professed since their residence here; and that we should, on all grounds, carefully guard against the admission of any new members into these societies, whose first obligation on entering into them is subversive of those laws and liberties which the wisdom and policy of our ancestors long since introduced amongst us. It falls within my own observation to know, that, in each of the two monastic societies established at Winchester, several different persons have been suffered actually to profess themselves, and to take both veils since their residence there; and a great variety of similar instances might be produced from different parts of the country where these monastic societies have been established, I do not mean to say that these proceedings have hitherto gone to any alarming extent; but I think they are practices which ought to be checked in the bud: we may otherwise live to lament that the national humanity has been abused, and that parliament, by voting money for their subsistence, has in some degree been made a party to the revival of what seems to us the most unnatural part of the Romish faith. The resolution I mean to propose is similar to a regulation which I understand to have taken place in 1763, when the Catholic province of Canada was ceded to this country, namely, to place within the protection of the law those convents which actually existed, but to suffer, on no pretence, the admission of any new members into such societies.—Another subject to which I wish to call the attention of the committee arises from circumstances which have given considerable alarm to those whose high situations in the regular church have placed the interests of the Protestant communion, particularly in their hands, namely, from the recent foundation of a great variety of Catholic schools, many of which are engrafted on, and under the immediate superintendance of their monastic establishments. To each of the two monasteries established at Winchester is annexed a school for the education of female children, which was not in existence previous to the institution of these convents, and which, till lately, from the assiduity of the advocates of this system, have considerably increased. I think it very material that the public should be enabled to ascertain the views and object of these seminaries. We cannot suppose that the members of a convent can have any natural ties to induce them to undertake such an office; and I think we may reasonably apprehend, that the intention is not merely to educate children in the common tenets of the Romish faith, but to give a total ascendancy to the minds of their pupils, to familiarize and attach them to the superior duties and seclusion of a monastic life, so as hereafter to secure a supply to fill those vacancies which may happen to arise in these monastic establishments. How far the committee will think it consistent with their duty to sanction practices which may be suspected to have these objects in view, I cannot determine, but I should not have discharged my duty if I had neglected to comply with the general voice of the public, laity as well as clergy, in submitting the subject to the attention of parliament. I am a friend to toleration in matters of conscience; but I think that, having admitted 5,000 priests into this country, of a persuasion inimical to the religion established by law, and continuing to subsist here at the public expense, it is our duty to be particularly careful to give no offence to the regular church, and to see that the interests of the Protestant communion do not suffer by our humanity and indulgence. I do not say that, in either of the two instances to which I have adverted, the children of Protestant parents have been admitted into these seminaries, though I could prove that they have been admitted elsewhere; but I do say, that such attempts have been made; and if they have not succeeded, it has been entirely owing to the strict and steady principles of those on whom the experiment has been tried. I may be told that the present laws provide against this practice. They do so, in some degree; but their provisions are not competent to the object they have in view, and it is to give energy and effect to these very provisions, without adding any new principle to our laws, that I shall submit my resolutions to the committee. Since the year 1791, when the

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last act passed on this subject, a variety of circumstances have arisen to place the Catholic question on very different grounds from those on which it then stood, and in my mind to call for additional precaution and control. An enormous inundation of popish priests have been poured into this country, in consequence of the disturbances on the continent; and it is a notorious fact, that, notwithstanding the decline of papal power on the continent for some years, the zeal for conversion on the part of Catholic priests has in no degree diminished; and with that zeal for conversion, with the arts and address which priests bred up in convents have possessed at all times, it is an easy matter for them, dispersed as they now are over the face of the country, to insinuate themselves into private families, to gain an ascendancy over weak-minded parents; and the moment they have converted them to their own persuasion, they obtain, as the law now stands, a legal authority to educate all their children according to the principles of the Romish communion. When we add to this the temptation, I might say the bribe, which is held out to the public by educating children in these seminaries, free from any expense to their parents, I think I am not calling on the committee for any unreasonable interference. If these schools are meant merely as seminaries for the education of the children of established Catholics, as some gentlemen suppose, I conceive no inconvenience can arise from their notoriety; but if, on the contrary, persons may be induced to undertake offices of this nature, merely from an intemperate zeal to disseminate their opinions, and to obtain proselytes, I think infinite mischief may be prevented, by subjecting them to some control; at all events, this point would be gained—we should know what number of persons annually embrace the Romish persuasion; and a fair chance would be given to the regular clergy, to combat those opinions on which such apostacy was grounded; and if it should appear that the conversion has been effected by improper means, such control would lead to the discovery of them, and to an immediate application to parliament for such legislative interference as the nature of the case might require.—It is far from my intention to introduce any new laws that can be a constraint on the resident Catholics, in whose good conduct I place the fullest confidence; and as little do I wish to prejudice the public mind against the emigrants; but if we are to have an established persuasion, and it is to be fortified by laws, those laws should be made clear and intelligible, and the arm of the executive power should be endued with sufficient energy to protect the peace of that communion from innovation or interference from any foreign persuasion. To guard against the evils to which I have alluded, I move, 1, "That it is the opinion of this committee, that the temporary residence in this kingdom of certain monastic societies should be permitted, subject to the provisions of an act passed in the 31st of his present majesty, intituled 'An Act for 'establishing regulations respecting aliens 'arriving in this kingdom, or resident 'therein, in certain cases,' and that the admission of any new members into such societies should be prohibited; and that the names and numbers of the persons belonging thereto should be annually returned to the court of quarter sessions of the county in which they reside. 2, That all persons, undertaking the public education of youth in the Romish faith, should also return annually to the court a list containing the names and number of their pupils, together with the names and places of abode of their respective parents; and that a power be given to magistrates appointed by the quarter sessions to inspect such institutions at pleasure."

Mr. *Newbolt* said, that he had had an opportunity of knowing that some regulations upon this subject were essentially necessary. Considerable alarm had taken place, from the intemperate zeal of some priests for making converts, and from the influence of the nuns in these monastic institutions over the minds of their pupils. If we did not wish to see the country again overrun with Catholics and Catholic orders, we ought to abolish these monastic institutions altogether, or to prohibit English Catholics from entering into them.

Mr. *Jones* said, that he knew places where the popish priests employed themselves in making proselytes of poor and uninformed people. He approved of the generosity shown to the emigrants, but he thought that, for the security of our religion, even stronger measures than those now proposed were necessary.

Mr. *Hobhouse* commended the motives of the hon. mover, but thought the resolutions would trench on the spirit of toleration which so peculiarly distinguished

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this country. The Alien act possessed all the power that was necessary to prevent the abuses complained of.

Mr. *Pitt* said, he admired the liberal principles on which the resolutions were framed. They did not infringe on the principles of toleration, sanctioned by the laws and constitution of this country. It was no part of those principles to allow the establishment of monastic institutions. It was not, however, proposed to abolish those already established by refugees from another country; but only to prohibit their being recruited by new members, natives of this country. As to the observation, that the power vested in the executive government by the Alien act was adequate to remedy the evils complained of, he could not agree that an act which enabled government to turn out of the kingdom any person whom it might suspect of designs against the tranquillity of the kingdom, could with propriety be enforced in the case under consideration. It was surely better to advertise, by an act of the legislature, these unfortunate people of what they were prohibited from doing. It would be hard to expel them from the asylum they had found, for conduct which they suspected not to be a crime.

Dr. *Laurence* thought the restriction contained in the resolutions too rigorous, and in some cases oppressive.

Mr. *Bragge* said, it was not the punishment of proselytism that was intended, but to guard against the continuance of an innovating principle. The object proposed did not come within the jurisdiction of the Alien act, which was a political not a religious measure. Besides, the provisions of the Alien act did not apply to the native subjects of the country.

The Resolutions were agreed to.

May 23. The Resolutions being reported,

Mr. *Windham* said, he thought the measure unnecessary, and consequently improper; for he was of opinion, that whatever was unnecessary was improper to be agreed to by the legislature; since it was a maxim, that the legislature did nothing in vain. He did not feel any danger to this country from popery; and, therefore, what he did not recognize as a danger, he would not provide against with any thing like a remedy. This measure had no other recommendation than that it would do no harm; but before the House entertained it, there should be evidence that it would do some good. His objection, however, was chiefly that the measure was unnecessary; not being quite sure, by the way, that it would do no mischief, he meant by giving sanction to a jealousy which he had much rather see going to sleep, than rising up again after so long an interval of rest. He did not know that it was creditable to the church of England to acknowledge there was such a danger; he did not think that this was the way to provide against it, if there was.

Mr. *Jones* thought there was danger to be apprehended, from too many Catholic priests remaining among us; he had hopes that the measure now before the House would remove the evil; but he knew the effect which might be produced by the powerful eloquence of the secretary at war: upon that subject, the House had had an instance on the Bull-baiting bill; but he hoped the right hon. gentleman would not consider this as a nun-baiting bill, and oppose it as he did the other.

The Resolutions were agreed to by the house, and a bill was ordered to be brought in pursuant thereto. The bill was brought in by sir Henry Mildmay on the 5th of June, and read a second time on the 11th.

June 23. On the order of the day being read for going into a committee on the bill,

Mr. *Windham* rose to oppose the motion. His objections, he said, did not extend to the whole of the bill, though from the nature of the measure in general it was difficult for him to select the parts that in any respect met his approbation. Had a less objectionable bill been brought in, it would probably have received his support, but the inquiry proper for the House to enter on on this occasion, was—why bring in any bill at all? He had looked around him much upon the world—he had observed the journey and progress of society—he had made the condition of the people and the state of religious opinion his study—he had strained his eyes in search of the crying evil that was said to call loudly for the present bill, but he had no where discovered an adequate cause for the alarm betrayed by some gentlemen. It was not a very distant period, when the just and well-founded apprehensions of many excellent persons,

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concerning the progress of certain political opinions, procured to those persons the title of alarmists, and he was himself considered a pretty good alarmist. But whether it was that his fears for religion were absorbed in his fears for other institutions held sacred among men, or whether he was dull of apprehension, assuredly he had no alarms, no fears for religion arising from the existence in this country of a few monastic institutions. After what had taken place already in the civilized world; after the revolutions in different nations in Europe; but, above all, with the example of the French revolution, which had been a standing monument for these ten years of the utter impracticability of giving entire dominion to the Roman Catholic Church, what well-founded reason was there for believing that a handful of priests, neither intriguing or ambitious, would all at once alienate its members from the Protestant church? Could it be believed, that, at the present moment especially, when the powers of Europe were trembling in the scale, awaiting the decision of a day, perhaps an hour, when the next dispatch, perhaps, will bring accounts of some battle, on the issue of which may depend the fate of revolutionary France: at a moment when those priests, from whom some gentlemen appear to dread so much, are looking eagerly forward to the near approach of their delivery, and of their return to their native soil, to take possession of all their honours; was it in such a moment that the House of Commons of Great Britain thought fit to apprehend serious danger to the religious faith of the people of England, from the progress of Catholic opinion? But probably it was rather to be traced to another cause. There did at one time prevail a fashion of ascribing every evil to popery, insomuch, that one might say it seemed to be almost a received doctrine, that "from popery you came, and to popery you shall return." It was said too, that the spread of popery was peculiarly dangerous, as being one of the principal causes of atheism. This opinion originated from those who fancied that unbelievers became such in consequence of the errors of the Church of Rome; but could any one suppose that the Voltaires, the D'Alemberts, the Condorcets, were made Free-thinkers by what they had seen of the errors of popery? Were Mr. Hume and Mr. Gibbon of the same sentiments with those celebrated Frenchmen, from the fears of the progress of Popery? These last were born and educated in Protestant countries, and wrote under the influence of a habit of energetic, bold investigation, in which if they erred, they still always erred plausibly. This notion that popery was the cause of every moral evil, reminded him of what he had read of the sect of philosophers known by the name of Peripatetics, who held, that cold generated heat, and *vice versa*, which led to the lines of the poet,

"Th' antiperistasis of age,
"More inflamed his amorous rage."

It was true, there were always taking place in the world changes in the state of human affairs. The re-action and retrogradation of the business of communities and nations were continually re-producing events, which, from the regularity of their return, men had been accustomed to regard as certain and necessary. It was a pretty true saying, that war produced poverty, and poverty peace. But, with respect to the present bill, when he looked at the state of Europe, it was natural to ask, what particular circumstance required such a law? He knew that i might be answered: we have here a phenomenon, such as was never seen before, namely, four or five thousand French priests. Undoubtedly that argument taken by itself, as far as it went, was a good one, but the House ought to see more than this mere fact. He had read in some old book a boast of a Northern writer in honour of his country. This writer exulted that the Romans never could subdue the Northern tribes of the part of the kingdom now called Scotland, and the reason he gives is, that the Roman arms would never penetrate beyond Agricola's wall. Now, the proof was the other way; for it was obviously the effect of the superiority of the Romans that they extended their conquests so far northward. The application of this historical incident was, that those who now saw so much danger in permitting a few thousand priests to say mass in this country, appeared to forget, that they were but the wreck of two or three hundred thousand, who formerly existed in great power and relative splendor, in a country wholly Catholic, and under the reign of a prince distinguished for his attachment to the popish church. Would, then, any man say, that the mere wreck of that church, that miserable portion of those who performed the

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services of religion on her altars, (miserable as to their weakness and means of acquiring influence, but respectable for their virtues)—was it likely that these people like the Trojan colony, would be able to found an empire? There never were means more inadequate to the end. The bill was indeed wholly without an object, and could not be supported without inconsistency. But so general was the practice of calling on the House for laws, and with so great facility did the House of late grant such requests, that it would not excite any surprise in him to hear of bills for the merest trifles. At present there was nothing so cheap as law, [a laugh] nothing so cheap as the law of parliament, but as to the courts below, there the law kept pretty much at the old price. Men now a-days went to the legislature for laws, as they went to the parish pump, which might be worked by any man who put his hand on it. The present bill might well be said to be one of those which had no strong case to support it. He wished therefore, to stop its progress. If, however, the House went into the committee, he would be glad to know how gentlemen would discuss a subject which had neither form nor substance, an object which had no visible joints or limbs. But it would be asked, are we to see convents and nunneries established among us without any attempt to suppress them? If this subject were fully examined, it might be asked what greater danger is to be apprehended from monasteries, than from the numerous other sects in our country which dissent from the established church? If a man thinks that his duty to his God can better be performed in a monastery than a chapel, what liberal minded Protestant will object to it? If a man thinks that he, by retiring from the world, and leading a life of self-denial, austere piety and penance, better fits himself for eternal life, shall Protestants forbid him the exercise of his zeal? He had never met with any thing so severe, however, as the notions of some Protestants against the Catholics. Nothing but acrimony and a spirit of persecution pervaded the whole of the Protestant writings against the Ascetics of Rome. But why is a Catholic to be marked out as a subject of enmity for mortifying himself to exalt his penance, and prepare himself for another world. The Catholic ought to be permitted to be his own physician, who had chosen,

To quit a world where strong temptations try,
And where 'tis hard to conquer, learn to fly.

He could not see why monks were to be considered worse than the gentlemen of that House, who live on their estates without labour. Might not a society of ancient ladies be as usefully employed in a convent as if they were distributed in parties at different card tables? If, again, gentlemen would consider the usefulness of monastic institutions, they would find much to respect. How valuable have been the discoveries of the missionaries sent from them to almost every corner of the world, add to which the number of useful books which have issued from time to time from their cloisters! He saw no danger from the progress of conversion, which was slow and immaterial.—Here the right hon. member urged the general topic of toleration, and observed, that while it might be politic for a state to interfere in extreme cases with the religious opinions of a people, yet no interference would be justifiable except on very strong grounds. It was because he thought so that he voted for the repeal of the Test act, and would probably vote so again. The present bill, as far as it related to convents, proposed to save a man from the effects of his own act; whereas laws proposed, in general, to save a man from the acts of others. There was a law, indeed, to prevent people from riding on the top of a stage-coach, but this law appeared to have the safety of the inside passengers as much in view as that of the passengers on the top. In some countries, there were, again, laws to prevent people from going on the ice at certain periods; but all such laws, though obviously well meant, were far from popular. Hence it was evident, that a law to prevent conversion could not be an effectual or politic law. It could never be wise in the legislature to set itself in motion to enact laws to restrain men from committing that of which they must so speedily repent. With respect to the taking of vows, he believed the fact was, that only those who had served their noviciate, or the greater part of it, on the continent, took the vows in this country. Thus, then, no acquisition was made from the natives of Great Britain; and as to the alarm about converts, he could only say, that the church must increase its diligence, if it has relaxed it. The divines of the established church should feed their flocks with spiritual food, and thus enable them to withstand the poison of delusion. Instead of this,

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they are too fond of raising the cry, that the church is in danger. If proselytism exists, it is a disgrace only to the clergyman in whose parish it takes place. What, if they do their duty, can members of the church of England fear? They meet their antagonists on more than equal terms. Should any one, indeed, attempt to preach up the rights of man, or teach insubordination to lawful authority, to silence him would be a work of necessity; but popery has nothing in it of this dangerous tendency, and may be met fairly in the field of argument. But if a line of conduct be adopted similar to that which induces persons to apply to the legislature to protect themselves by penalties and statutes, where they are entirely careless about themselves, and would rather defend their property by acts of parliament than by a quickset hedge; what can persons thus acting expect, but that advantage should be taken of their supineness? Success, and the protection of the laws, belong rightly to a different class, "vigilantibus non dormientibus." Penal laws can never defend the country against popery. I cannot help making the remark here, that opinion may be too much under the protection of law. A little opposition is no bad thing, it makes persons attentive to their duty, and may be as useful in the church as in the senate. In the physical and moral body, opposition tends to keep up the proper tone of health. Did the earth spontaneously produce every thing for the use of man, the short-sighted philosopher might say it was well; but nature has wisely ordained it otherwise. Every thing valuable is only to be acquired and preserved by labour. In this point of view, I deprecate the bill which gentlemen wish to bring in, as it tends to narrow the field of intellectual exercise and fair discussion. Another objection against the bill is, that it raises prejudices in the minds of the illiberal, against a number of unoffending persons, who have fled to our shores from the tempest which threatened their destruction. When this shall subside, they will be very ready to seek their own country again, and carry all their offensive customs and sentiments along with them. But why should we send them back lame and crippled? While they remain here, it is not generous to mark them out as objects of public scorn and suspicion. An hon. gentleman opposite (Mr. T. Jones) has called this a nun-baiting bill. I, however, am their defender; and the bull himself turned into a baiter, is running furiously among the nuns. Now, Sir, there is another evil to be remedied, or a danger to be avoided by this bill. As to danger to the state, every person must scout the idea. If conversion be the evil complained of, why is that greater in this case than in that of the sectaries? I have heard it as an argument for the bill, that if it will do no great good, it will do no hurt; but this I deny, so long as unjust prejudice is liable to spring from it. I therefore vote against the Speaker's leaving the chair.

Sir *Henry Mildmay* said:—My right hon. friend has argued as if he supposed that the bill went to introduce some innovation into the criminal law of this country. This is by no means the case: the object of it is not to introduce any one principle whatever that has not been already generally recognised, since we have had any laws to regulate the conduct of persons professing the Catholic persuasion. Its object is, to give effect to the act of 1791, and to adapt its provisions to the particular circumstances of the present moment. If the subject of these provisions be of trivial moment they do not originate with me: they rest with the attorney-general, who brought in the bill of 1791, and with my right hon. friend who spoke last, who seconded that very measure, in a speech replete with the most satisfactory arguments.* Now, on what principle my right hon. friend could have supported a bill that distinctly prohibits the introduction of a monastic community in 1791, when scarcely the most remote possibility appeared to exist of any such attempt being made here—and in the year 1800, when the evil actually exists, he should tell us that it is a subject unworthy of legislative interference, I am unable to conjecture. That he may have seen good reason to alter his opinions on the subject, I cannot pretend to dispute; but that circumstance alone is not sufficient to induce the House to relax from the principle and spirit of those laws which were originally formed to restrain our own Catholic subjects, in favour of a set of foreigners, who still adhere to many obnoxious tenets and opinions, which have been regularly disclaimed by our own subjects as inconsistent with the civil establishment of this

* See vol. 28, p. 1264.

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country. When the emigrants were originally expelled from their former residence on the continent; when, victims of the most merciless persecution, they were turned friendless adrift on the world: we afforded them our protection: we have subsisted them at the public expense; and all that we require in return is, that they should not attempt to interfere, in any respect, with that constitution in church or state, to which we are indebted for the blessings we enjoy. The object of the first part of the bill is merely to prevent them from rendering permanent those monastic establishments which are directly opposite to the spirit and the letter of our constitution; and to prevent them from immuring, in useless inactivity and seclusion, young persons of both sexes, subjects of this country. The object of the second part of the bill is solely to restrain Catholic teachers from holding out bribes and temptations to seduce the children of Protestant parents from the profession of the established religion of the country, and to enable us to detect such proceedings, in case they should be practised. These objects appear to me so moderate in themselves, that I can scarcely conceive any reasonable objection being made to them; and I acknowledge that the opposition which has been so industriously fomented out of doors, and collected, to throw out the bill, is an additional reason in my mind why parliament ought to adopt it. Can it be expected that we are to sit still and tamely see the constitution of this country undermined by a set of men whom we have received here from motives of compassion, and to take no steps to prevent it, merely from the apprehension of inflaming the public mind against the Catholics? Be the consequence of the bill what it may, no blame attaches to us; it is to be exclusively attributed to those whose conduct has driven us to adopt regulations which are become absolutely essential to our own security. With regard to the Catholics, I consider them to be, as a body, as amiable and respectable in private life, as harmless and as loyal as any one class of his majesty's Protestant subjects. My right hon. friend has said, that at this time of day it is impossible that the public mind can entertain any reasonable apprehensions from the prevalence of Catholic opinions. The same has been suggested to me by several very respectable Catholics, and they assign as a reason for it, that the members of that communion are daily decreasing, so that the proportion of Catholics to Protestants is not, exclusive of the emigrants, more than one to one hundred. To this remark I shall observe that in 1687, subsequent to the famous proclamation of James 2nd, at a time when the king was professedly a bigoted Catholic, when all the principal officers of state were Catholics, when every avenue to wealth, to honour, and to preferment, was attainable only by this Catholic influence—at that very time, Mr. Hume distinctly tells us, that the proportion of Catholics to Protestants was "something less than one to one hundred." Now, Sir, if in 1687 the prevalence of Catholic opinions was sufficient to create such an apprehension in the public mind as to go a great way towards producing the revolution, I think, so long as that proportion continues the same, we cannot say that we are so totally exempted from any danger from such opinions, that we can suffer upwards of 5,000 authorized Roman Catholic missionaries to be dispersed over the country, without subjecting them to some regulations. Every year these persons continue in this country, their situation is materially altered: in proportion as they become familiar with our language, as they learn to assimilate and incorporate themselves in society, so in proportion augment their powers, their means and their opportunities of subverting the established church. As to the second provision, the professions of the superiors themselves, and their own advertisements, show that they undertake the education of children indiscriminately, whether of Catholic or of Protestant parents; and in some instances they profess to educate the children of indigent parents, free of any expense. This appears to me to be offering bribes and temptations to obtain the instruction of Protestant children, and, so long as we profess the reformed religion, such practices ought not to be suffered. I am in possession of an official letter from the bishop of St. Pol de Leon to the bishop of Winchester, in consequence of very heavy complaints that were made by his lordship to the French bishop on the subject to which I have called the attention of the House. In his answer, the bishop of Leon does not apologize for the conduct of the emigrants; but tells us distinctly that he considers them perfectly justified under the letter of our existing

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laws. Now, Sir, if our laws are so inaccurately drawn as to be subject to misconception by those very persons to whom they are meant to be immediately applicable, that is a sufficient reason for re-considering them.

Mr. *Jones* said, he would not have troubled the House on this business, had he not been "baited" by a right hon. gentleman to say a few words. He would not contend with the right hon. gentleman in his metaphysical refinements and abstractions; but would confine himself to the plain and obvious parts of the question. And first, he would say, that as the French priests were well received and protected by this country, they should not have been wanting in gratitude. He had read a pamphlet, which went so far as to say that priests must make converts. This doctrine he did not understand; but he understood that the bishop of St. Pol de Leon did insist upon it. The right hon. secretary had made an elaborate speech in favour of those monastic institutions: in his (Mr. J.'s) opinion, they were bad. A celebrated character had said of the French revolution, that "the age of chivalry was gone," so, would he say, the age of popery had commenced. He could not but think that danger was to be apprehended from 5,000 priests being in this country.

Mr. *Ryder* said, that the principle of the bill was good, and its provisions unexceptionable. It would operate as a protection to the Catholics, and would reconcile the populace to their residence in Great Britain. These exiled priests had behaved in the most peaceable manner, but if they were now in danger of encroaching upon the laws, was it not proper to give them warning of this error? If this bill did not pass, these religious societies would soon become objects of much jealousy. The bill was, in fact, an enabling bill, and not a bill to coerce, to restrain, and to punish. The existence of the monasteries was directly contrary to several statutes. His only objection to the bill was, that it carried toleration too far. It had been stated as an argument against the bill, that it would tend to suppress monasteries altogether. The monastic life was generally condemned even in Roman Catholic countries, and he little expected to hear that defended in this House, which was contrary to our religion, hostile to our laws, and destructive of our prosperity. There could be no doubt that, if these monastic institutions were to be at all tolerated in this country, they ought to be under the control of the magistrates.

Mr. *Hobhouse* said, that it had been the policy of our law to inflict penalties and disabilities upon persons professing the Roman Catholic faith, not on account of their religious tenets, but of the political opinions which they maintained. Such persons had been regarded as objects of terror, because they acknowledged a foreign potentate paramount to the king of their own country, and held that faith was not to be kept with heretics, and that princes excommunicated might be murdered. The Catholics of this country had long abandoned those doctrines; and therefore, in 1791, a bill was brought in, for the purpose of exempting them from certain penalties. Those who gave a proof of having renounced their civil opinions, by making the declaration required by that statute, were Roman Catholics; those who could not conscientiously subscribe that test were still papists, for they still believed the supremacy of the pope, in affairs temporal as well as ecclesiastical. Now, which of these two descriptions of men had struck the hon. baronet and his friends with so violent a panic? The Roman Catholics of this country had, with very few exceptions, entitled themselves to the indulgences under the statute of 1791, upon the principle of our legal code; therefore, no apprehensions respecting them ought longer to be entertained; neither did he see any reason why they should not be placed on the same footing with the Protestant Dissenters. But we might be told that it was the papist who was so much the object of alarm. He should not dwell upon the fallen state of the papal power, a state so low that to dread the restoration of it to its former greatness would be quite ridiculous. The conduct of the emigrants had been exemplary; they had fled from persecution in their own country, had been hospitably received by us, and in return had manifested gratitude and propriety of demeanor. Besides, the French emigrants were returning to their native homes. Was this a time, when their numbers were fast diminishing, to dread their influence, and impose additional restraints upon their conduct? Certainly not. Far wiser would it be to review our penal code, and expunge the rigorous laws still existing

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against the Roman Catholic religion. Such dormant statutes might be considered as so many daggers scattered around, which the demon of superstition might at any time seize and convert to purposes the most bloody and the most desperate. Not a weapon should be left within the reach of that fell goddess. The present bill divided itself into two parts, the one relating to monastic or religious houses, the other to places of education. The hon. baronet had been desired to state the grounds of this application to parliament. He had declined to comply with the request, alleging, that he had abstained from motives of delicacy, lest a publication of names should excite odium against individuals; but he would assure the hon. baronet, that all the persons affected by the bill challenged investigation. The societies of English ladies, who were bound by religious vows abroad, and who have resided in this country since 1794, consisted of 17 in number, and contained, in the whole, rather more than 300 persons, including a few French or Flemish servants. Those ladies were, for the most part, sprung from some of the most respectable families in the kingdom. The societies of foreign ladies were 4 in number, and consisted of about 50 individuals. Of male societies there were only four, three of which were entirely composed of English from Douay and Bornhem. With respect to the French emigrant clergy, probably not 500 out of the 5,000 now in England, belonged to any religious order. Were these monastic institutions, then formidable in point of the numbers they contained? Certainly not. Had they been increasing since 1794, the period of their formation in this country? Quite the contrary. It appeared from the obituary, that, among the women only, sixty had died, and no more than twenty had succeeded in their stead; and hence he was entitled to infer, that death had made more ravages than religious vows had replaced; nay, it was natural to suppose that these institutions should be in a state of diminution; for it was most probable that, when the members of them were first assaulted by the cruel rage of persecution, the greater part of them would fly together in quest of a peaceful asylum, and therefore few were left to join them since their settlement in Great Britain. Nor was there more reason for apprehension when their property was considered; they lost their houses and moveables by the violence of our enemies; their funds, which were lodged in the bank of Vienna, our magnanimous ally, the Emperor, had seized, and transferred the poor wanderers over to our charity and compassion. To the bounty of individuals, and the money they received for the education of children, they were indebted for their subsistence. But it would be said that their zeal for proselytism might be productive of bad effects, for very many of these societies had opened schools. It was certainly true that many of them took pupils, but they confined themselves to the children of Roman Catholics, conformably to the injunctions of the law. He had the authority of the most respectable abbesses and directors, for saying, that they never knowingly admitted the child of any Protestant. Only two instances occurred in which this rule was violated; but both were the result of deception; and the moment the children were discovered to belong to Protestant parents, they were dismissed. If, then, these monastic institutions were neither formidable for the number of their members, their property, nor their zeal, why should they be made the objects of legislation? It had been said, that this bill would be a protection to the Roman Catholics. Would it be protection to prevent them from replenishing their numbers, and to oblige those who should survive their present companions, to drag out a solitary and forlorn life within the dreary walls of a convent? Would it be protection to prevent an unfortunate female, who had taken the vows in a foreign country, and who had been expelled from the retreat she had chosen, from finding an asylum in her native land, and from spending her days among the intimate companions of her early life in the service of her Maker? Would it be protection to force her back again from your shores, without friends, and, perhaps, without means of support, a prey to disappointment and despair? for such must be the effect of closing the door of the convent against her, since neither her conscience nor her habits of life would suffer her to live in any other way than among a sisterhood of her own persuasion. In another point of view, the prevention of new members in these monasteries would operate cruelly by the Roman Catholics, and disadvantageously to the country. The Roman Catholic families who used to send their children

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abroad for education, now placed them for the purposes of instruction in these religious houses. Let these institutions gradually expire, the parents must lose the comfort and happiness of occasionally seeing their children; for they will then educate them in some foreign country, and the money now spent at home would be carried out of the kingdom. For his own part, he thought it better, if the legislature would interfere at all, to prohibit any new monastic associations, and not suffer those in existence to increase their numbers at any time beyond the present amount.—Thus much upon the first branch of the bill; the second, which imposed farther restrictions upon Roman Catholic schools, was no less objectionable. He believed he might lay it down as a general principle, that the choice of education might safely be left with the parent. Was it not true that scarcely any parent could be found who would entrust his children to the tuition of any person of a different religious persuasion from himself? The bill, upon the whole, was most inexpedient and intolerant, and had been brought forward at a most unseasonable moment.

Sir *W. Scott* admitted, that the charity and hospitality of the country had been enjoyed by the emigrants with great moderation and good conduct. The general statement of the institutions and their numbers, he believed to be correct; but with respect to the males, there was one fallacy which he wished to detect. These institutions were looked on as consisting of monks; whereas they were composed either of secular priests exclusively, or of secular priests and religieux, a distinct description of persons from those in the contemplation of the bill. With regard to these people, it was formerly, he believed, the general wish, that on the termination of the war they should return home; but it was the obscurity in which the arrival of that period was involved, that led to the present difficulty of legislating on the subject. If they were only to remain here two or three years, a very slight regulation, whatever their number, might be sufficient; but if they were to continue permanent, then they would obviously become proper subjects for legislation. Here, then, arose all the difficulty; for on what ground could it be ascertained that they would return in a few years? Were this objection removed, he did not see any on the ground of toleration. These institutions were not necessarily connected with the Roman Catholic religion, as it might subsist in its full force without them, and therefore they had nothing to do with toleration. If, then, they were not necessarily connected with toleration, they were institutions which, in this Protestant country, should be discountenanced as unfriendly to its religion. Wherever situated, they had greatly the advantage, in point of numbers and compactness, over the parochial clergy, scattered over the country upon small livings; for such was their general description with respect to income, whatever might be said of their opulence. They, therefore, must maintain a very unequal contest against such societies; and unless he could bring himself to be of opinion that it was a matter of indifference to discourage the Protestant religion a little, he should never approve of the permanent establishment in this country. With regard to the Roman Catholic inhabitants themselves, he did not believe they wished it. In Roman Catholic countries, these societies had the law and public opinion on their side. Here they were both against them; and therefore they could not flourish in that state in which their sincere friends would wish to see them. He objected to the bill, because its provisions were permanent, whereas the subject might be transitory. If, however, these societies were not to be considered here *in transitu*, still he thought a very slight regulation, free from all oppression, would be sufficient. He would recommend that they should expire with the present generation, and be placed under the Alien act. To carry this into effect, it would be sufficient to transmit a list of their numbers to the bishop of their diocese. With regard to the part relating to schools, it was a subject of great importance. It had long struck him, that in a country where any man might take a large house, call it an academy, and collect a large school, without any proof of his morals or learning, the task of education might fall into hands in which it ought not to continue without the inspection of the legislature. In the present case this might be done through the medium of the bishop of the diocese. As to the number that had entered these societies for the sake of gratuitous education, it rested entirely on general assertion; and until a return should be made, the legislature had no

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rule to direct it. Under these circumstances, therefore, he should vote against the bill, first, because it went farther than was necessary; and, secondly, because he thought a very short bill, containing one or two provisions, would be sufficient.

Mr. *Erskine* professed himself to be a most zealous friend of toleration; yet he could not forget the history of our law upon the subject. Nothing, indeed, but its history could justify it; but when they were viewed together, it would be a libel upon the country too harshly to condemn it. We ought to place ourselves in the situation of our ancestors at the time when our statutes were framed, and to look at the Catholic religion at the same periods, to arrive at a proper judgment upon so delicate a subject. Now, indeed, things were changed, and corresponding changes had succeeded. When sir William Blackstone wrote his excellent Commentaries, the auspicious career of toleration had scarcely begun amongst us, and its progress was only not obstructed by pious frauds in the administration of the laws, and politic winkings at them in the ministers of the state. The severities of the laws were continued because it was thought too early to abolish them and difficult to make just discriminations; but they were blunted in their execution by that good sense and humanity which sooner or later in England, put every thing in its right place. Our ancestors had they been living under such new circumstances, would have pursued the same course; but in their times great difficulties surrounded them, and dangerous snares were in their paths. The first statute which deserved the name of toleration, was sir George Saville's act, an act worthy of his name; but we all remembered the uproar it produced, which showed the caution with which such changes ought to be made. Other laws upon the same principle followed, which also had his support; but he could not help saying, that it would be rather hard, after so decided a manifestation of a tolerating spirit, to suspect the legislature of being weary of its humanity, and of a desire to return to a system of jealousy and restraint, only because in a case quite new, arising from a convulsion in a Catholic state, it had become necessary to temper its humanity, but without at all impairing its objects, or its extent by a prudent consideration of its effects upon our own people. It was said there was a general cry against Catholics. He should be ashamed to join it if there was. On the contrary he should join the hon. baronet in declaring that the Catholics of this country had justified the liberal policy regarding them, and shown themselves worthy of every possible indulgence and favour; he looked forward, indeed, to the time when all differences between Christians would be as a midnight dream on the dawn of day. But wise policy discountenanced sudden alterations. The House ought well to mark how the nation had been compelled to act in former times towards Catholics to support their religion and their freedom. We ought to recollect that the family upon the throne sit upon it only by a solemn act of legislation and not by a strictly legal hereditary descent; and we could not therefore at once brush away all the disabilities which still remain in the body of our laws; but as to the bill itself although it took caution against the growth of Catholic influence, it would, if passed into law, be an enabling statute, as without it these foreign Catholics would be subject to severities from which they would now be exempted. Monasteries since the Reformation were not English institutions: they could not be retired from view like Protestant establishments. The worship of their votaries was not only open to the magistrates, but to all who chose to be present, and if they barred their doors, they were subject to all the penalties of the ancient laws [Here he read a clause from an act of parliament to establish this]. As to the evil of allowing those monastic societies to spring up amongst us from the influence which might arise from their numbers and examples in the education of children, he apprehended nothing on those accounts, when proper regulations were provided, which it was the object of the bill to secure. It was an act of indispensable humanity to mitigate the sufferings which a sudden revolution had produced, but it was a duty to avert any dangers that might follow from it to the morals and manners of our own people. Under the French monarchy, the monastic institutions pervaded all France, and formed the national characteristic, and there was a most natural spirit in the Catholics, even in this country, to extend their influence here. Indeed, he had seen an advertisement inviting all classes to receive their educations amongst them; surely this had a tendency to make the Catholic religion more popu-

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lar, yet the bill did not provide against this, except by the most liberal regulations. Was there any thing harsh in any of them? Without the bill these foreigners could not have remained a single hour in England, independently of the Alien act, without a licence from the crown; and he could not therefore but insist that, if it passed into a law, it would be an enabling statute, because though the licence was still necessary, yet, when thus sanctioned and encouraged by parliament, its permanent operation was certain. There was one thing, however, in the bill which made an impression upon him as objectionable, but which might be altered in the committee. We had allowed those unhappy people to take shelter from the storm that had desolated their country; but suppose others should follow them, they could not be received, because the number received were not to be filled up as they diminished by deaths. Now he thought that a power ought to be given to his majesty to grant his royal licence to those who might come afterwards under similar circumstances, with some reasonable limitation as to the numbers of such new accessions. This could not dangerously extend the Catholic influence, as the king having only the power of granting the licence, it might upon proper occasions be refused, and a better security as a discretion in a magistrate we never could possibly have. Under such regulations as the bill contained, he saw no reason to refuse the indulgencies necessary for their protection and comfort.—There was at present a great obscurity in all that related to the probable termination of the war, and should it even terminate to-morrow, it was not at all certain to what condition France might return, as it affected their security; and it therefore appeared to him that there was a sufficiently probable permanence in their continuing in England to make them fit objects of legislation. The bill granted to the miserable victims of revolution, who had been driven from their country, every convenience and comfort, and with no other restraints than that their institution should die a natural death with themselves, and not be recruited from the Protestant inhabitants of this country. It was formerly the duty of the legislature to consider how they might best restrain Catholics, now it had only under prudent regulations to indulge them. There was but one point more he should advert to, and that was the power given to magistrates to visit those monastic houses, from which he could not anticipate any oppression. It was a mere security against a possible abuse.—He said a possible abuse, because he did not believe that the indulgences would probably be overstepped, but as it was a principle in the Catholic religion, and he believed in every other, to extend its influence and to exalt its character, it was wise to guard against it by prudent and reasonable provisions. He should therefore vote for the bill, because whilst it secured the unhappy objects of it from penalties to which they would otherwise have been subject, it provided for our own safety.

Mr. *Sheridan* said, that there ought to be made out a case showing the necessity for this measure, before the House agreed to any alteration in the law upon the subject. As to the objects of the bill, or rather those who were supposed to be the objects of it, there was no power to remove them, for they were natural-born subjects of this realm, and could not be put under the operation of the Alien act. The friends of the bill confounded vows with legal obligations: whereas, there was, in this country, no legal power of attaching any civil punishment to those who broke their vows. Any number of ladies might meet together, and make a vow that they would die old maids; but they could not be bound by law to observe that vow. The present bill was fraught with every thing that must insult the pride and alarm the feelings of the Roman Catholics of this country. It was telling them, that we understood their interests better than themselves, and knew best how and where their children should be educated. Without a strong case previously made out, he must oppose a measure which might be pregnant with the most horrible mischiefs. He opposed this bill, because he did not wish the Catholics to be exposed to popular indignation. Would any man, who remembered what had happened in 1780, tell him there was no danger to be apprehended from a furious, plundering, desolating, and proscribing mob, with the cry of "no popery?" Would any man tell him there was no probability that any designing, artful demagogue, should arise and pretend that the present high price of provisions was owing to the Catholics in this country? And who would answer for the consequences? It was not enough to say that the people were now more

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enlightened than they were; a mob, whenever they were put in motion, had but one way of proceeding, and that was to take a catch-word, and, under it, to plunder and destroy wherever they proceeded. All this he saw at least as a possibility, by encouraging these legislative provisions without necessity. It had been said, that in the time of James 2nd there was but one Catholic in this country to an hundred protestants, and that the number was the same, or nearly the same, now; but did any man seriously mean to say that the danger at this time from the Catholic religion was the same as at that time? He had heard a good deal said in praise of toleration, as it was called, in this country. He was almost induced to hate the word, because it was but another name for mitigating persecution. The true sentence of justice was "freedom of worship." As to the provision in the bill which authorises magistrates to visit and inspect the Roman Catholic seminaries, he could think of nothing that more rudely violated all decorum and delicacy. Why not visit and inspect the places of education of other sects; or why hold out the falsehood that the Catholics were more to be feared? It was wonderful how the framers of the bill seemed to be influenced only by shadows and alarms, and never thought of any thing like proofs to justify the necessity of the measure. He had facts however to adduce. Mr. Sheridan then proceeded to read a number of documents, by which it appeared that all mistresses of the Roman Catholic boarding schools had been asked the question, whether they had any Protestant young ladies under their care, or whether they were in the habit of admitting them as pupils? The uniform answer was, none; none; never. They were also asked, if they offered to educate, or did really educate Protestant young women for nothing? They never were guilty of such a thing, except in one or two instances, and then the young women were Catholics, not Protestants. A foolish alarm had also been sent abroad respecting the number of emigrant clergy now in this country; they were said to amount to 5,000; and persons had even been absurd enough to say, that in one county alone they had converted 2,000 housemaids. How this wonderful conversion was brought about, he could not well conceive. The emigrant priests spoke but little English, and our housemaids, spoke as little French. The hon. gentleman proceeded to shew, that, out of the seventeen convents that were now established in this country, only nine of them took in pupils. They were the only schools to which Roman Catholic gentlemen could send their children to be educated; and was it not better that they should be educated here, under the eyes of their parents, and under the vigilant inspection of government, than in France, where their principles were supposed to run such risk of being corrupted? There was a great deal of prejudice in the minds of many well-meaning persons in this country upon the subject. It would seem as if these poor Catholics possessed all their former wealth, and that all their lands and goods had not been turned over with the cathedrals to our Church—as if Harry 8th had never stripped them of any thing. To suppose that a few obscure nuns, living in a garret, could, by scattering their wealth in this country, eclipse our established church in splendour, and thereby become dangerous, was absolutely ridiculous. Indeed, it was much to be apprehended, that this bill had its origin in a mixture of other motives than those that were merely religious: it might possibly arise out of a controversial spirit. That spirit had lately shewn itself, more particularly at Winchester, where the emigrants were not very popular, as perhaps, it was natural for the people to be somewhat angry at seeing the king's castle there garisoned only by French priests. Mr. Sheridan then mentioned the controversy between Dr. Sturges and Mr. Milner, on both of whom he bestowed the praise of erudition and abilities. He next instanced the cruel treatment received by the Abbé Fleury in Hampshire, who had been torn from his home by an order from the secretary of state, though it was not yet known what crime had been laid to his charge, and the most respectable testimonies had been given to his character. All these documents he was ready to lay before the House. And it was his wish, that a committee might be appointed to inspect them, and report whether they saw any necessity for the measure. Nothing, in his mind, could be more inauspicious than such a bill at this time, when we were on the point of an union with a country three-fourths of whose inhabitants were Catholics. This bill was not worthy of being, as it were, the legacy of the last

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English parliament to its successors. It was hurtful to the feelings of the Catholics, incompatible with our professions of liberality, not countenanced by the spirit of our constitution, and possibly introductory of great public mischief, as well as private vexation.

Mr. *Perceval* said, he considered it as the spirit of the Catholic persuasion to make as many converts as possible; indeed, it was the principle of every religion to a given extent, but emphatically so of the Catholic; and, therefore, while we were talking of kindness to the Catholics, and while we expected gratitude from them for such kindness, we were not to be surprised if that gratitude consisted in their endeavouring to convert the whole nation into Catholics; nor ought we to be angry with them for such an attempt, for they believed they could not obtain for us a greater blessing than to make Catholics of us all; but, it was our business to be on our guard against such a spirit, since it was inconsistent with the spirit of our constitution. He said this the more readily, from a conviction that, in France, if the power of the first consul continued many months, the Catholic religion would be established in France. There was not a man who had more esteem for toleration, than himself; but that did not compel him to lay aside all precaution against the possible effects of the over-growth of popery in this country. He would not see the hair of a man's head hurt on account of his religious opinions; but that did not compel him to think that Catholics were the best subjects of this country. He thought the bill ought to go into a committee.

The question being put, That Mr. Speaker do now leave the Chair, the House divided:

Tellers.

Yeas	Sir Henry Paulet St. John Mildmay ..... Mr. Perceval	52
Noes	Mr. Sheridan ..... Mr. Hobhouse	24

The bill was committed on the 24th, and on the 4th of July it was read a third time and passed. And it was ordered, that it be entitled, "An Act to prevent any addition to the number of Persons belonging to certain foreign Religious, Orders, or Communities, lately settled in this Kingdom, and to regulate the Education of Youth by such Persons."

Debate in the Lords on the Monastic Institutions Bill.] July 10. The bill "to prevent any addition to the number of Persons belonging to certain foreign Religious Orders or Communities lately settled in this Kingdom, and to regulate the Education of Youth by such Persons," was read a second time. On the motion, that it be committed,

The Bishop of *Rochester* said:—My lords; if I have not opposed the second reading of this bill, it is because I conceive that your lordships are seldom clearly informed of the principle of a bill till it has been read a second time. The first reading is little more than a notification that a bill for such or such a purpose is in the House; and, at this period of the session, we are so little in the habit of a close attendance upon our parliamentary duty, that it happens to many of your lordships not to see the prints that are laid upon the table till within a few minutes of the second reading. But the bill having now received its second reading, I must suppose your lordships to be in complete possession of its principle; and I rise without the least hesitation to oppose its farther progress. In this, my lords, I shall labour under this particular disadvantage,—that none of the friends of the bill having taken the trouble to open what they take to be its merits, I can only guess what they will find to say in support of it; I can therefore only state my own objections; and reply to the supposed arguments of the other side, by guess and divination. The object of the bill is to provide a security against certain dangers which it is supposed may arise from the great influx of persons of the Roman Catholic religion into this country, in consequence of the French revolution,—to provide a security against these dangers by a new power to be placed in the hands of the crown. My lords, my objection is,—that in one respect the bill is unnecessary, and in another completely unconstitutional: it is unnecessary as a means of security against the dangers it foresees,—not because the apprehension is altogether groundless, but because the security is already provided by the existing laws; and in regard to the new power which it would give to the crown, it is perfectly unconstitutional. My lords, the storm of antichristian persecution, which has raged in France since her revolution, has driven numbers both of the secular clergy, and persons of both sexes of the religious

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orders, to take shelter in this hospitable land, by the natural generosity of Britons, and the influence of the benevolent principles of the Protestant religion, the universal asylum of the persecuted and distressed. The protection we have given to these miserable fugitives reflects the highest honour upon the country, and upon the Protestant religion, which we profess. At the same time, while we extend this kindness to persons of a different religious persuasion, it certainly becomes the wisdom of the legislature, to look to the consequences that may arise to our own civil constitution and our own ecclesiastical establishment, and to provide for the security of both: But my lords, I contend that the security of both is sufficiently provided for by the existing laws,—better provided for by them than by this bill: and that any new law for the purpose is altogether unnecessary: and I am always an enemy to the multiplication of statutes without urgent necessity.

My lords, before I enter upon the particular dangers which the bill would prevent, and the means of prevention afforded by the existing laws, I believe it will be proper to premise some general observations upon the statutes which relate to persons professing the Roman Catholic religion, as they stand at present. First, my lords, I would observe, that all laws respecting Roman Catholics apply equally, without any difference or discrimination, to the natural-born subjects of his majesty and to aliens. This is the case both of the old penal statutes and of the late statutes of relief: The penalty attaches upon any overt act of popery, whether he who commits it be a natural-born subject or an alien, without any regard to that difference of condition. On the other hand, the late statutes for the relief of Roman Catholics from some penalties, upon certain conditions,—the benefit, I say, of these extends equally to the alien and natural born subject: these statutes of relief relieve equally, and under the same conditions, all persons on whom the penalties would otherwise attach; the alien is equally with the natural born subject entitled to the relief, if he perform the condition under which the relief is held out. Another observation I have to make upon these laws is this: by the late statutes for the relief of Roman Catholics, not one of the old penal statutes is repealed,—except indeed certain clauses in a statute of the 11th and 12th of William 3rd, subjecting any Popish bishop, priest or Jesuit, who should say mass, or exercise any part of the function of a popish bishop or priest, and any person professing the popish religion who should keep a school or take youth to board, to perpetual imprisonment: entitling any person who should apprehend and prosecute to conviction any popish bishop, priest, or Jesuit, to a reward of 100*l.*; and creating certain disabilities of taking lands by descent, devise, or limitation. These odious clauses in the statute of king William are indeed repealed by an act of the 18th of the king; but with the exception of these clauses, not one of the old penal statutes is repealed. It is true a statute was passed, in the 31st of the king, to relieve persons professing the Roman Catholic religion from certain penalties under certain conditions. But this statute without repealing any one of the old penal laws, gives its relief in this manner, and in no other: it requires that the Roman Catholic shall take and subscribe a certain oath and declaration: which, with respect to him, is an oath of allegiance, supremacy, and abjuration: then it enacts that no person who has taken and subscribed this oath and declaration shall henceforth be prosecuted, by virtue of any of the penal statutes, for certain overt acts of popery, which it names,—such as not going to church, going to mass, or keeping a popish servant. But as it only stays the prosecution or conviction, without repealing the statute,—if any Roman Catholic refuses or neglects to take and subscribe the oath and declaration, the unrepealed statute is in full force against him; or if, having taken the oath, he does any thing forbidden by the old statutes, which is not mentioned in the statute of relief as one of the things for which he is not to be prosecuted, the old statute is in force, and the penalty for such offence still attaches.

Having made these general observations upon the laws respecting Roman Catholics, as they now stand, I shall now state to your lordships the very sufficient security which I conceive they afford against any danger that may be thought likely to arise from the fugitives from France, the objects of her antichristian prosecution. It is supposed that these ecclesiastics of the church of Rome may have some zeal to propagate the religion to which they are attached, and may take

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advantage of every opportunity they can find of disseminating the principles of their church among our common people. My lords, it is very likely; I should expect that the ecclesiastic of the church of Rome would be animated with this zeal; because, my lords, I conceive that every man that has a religion has some zeal for propagating that religion,—meaning, by a religion, some particular shape and form of the Christian religion—a religion affecting the future interests of men, and furnishing means for the securing of those interests. My lords, I say that every man that has such a religion has a zeal for the propagation of it; if he has not the zeal he is not in earnest in his professions. If indeed a man's religion consists merely in negatives,—which is the case with many now-a-days, who would be thought good Christians and the best of Protestants, though they seem to have no acknowledged creed but a sort, of confession of disbelief, without an avowed assent to any thing definite; persons who, not adhering to the original principles of the Reformation, as laid down in the Confession of Faith of the churches of Saxony and the thirty-nine articles of the church of England, think to reform the Reformation, by expunging, one after another every article of our belief—the Trinity—the incarnation—the atonement—grace—the virtue of the sacraments as means and instruments of the gifts and graces of which they are signs.—I can easily suppose that such persons will have little zeal about the *caput mortuum* of religion which remains after this dissipation of the substance. The man who puts the son of Mary upon a level only with the son of Sophronisca,—who acknowledges in our Lord Jesus Christ nothing more than the Socrates of Jerusalem,—will feel, I suppose, no more zeal for the propagation of the moral of the gospel (which is the whole of such a man's Christianity) than I feel to propagate the dry moral of Socrates or of Marcus Antoninus. But every man that has a religion that deserves the name cannot but have something of a zeal for the propagation of it. I suppose therefore, that the Roman Catholic priest has this zeal; and, my lords, I bear him no ill-will for it,—conscious that I have it too for our common Christianity, and for that form of Christianity, to which I am attached—the doctrine and rites of the reformed church of England. But, my lords, a man that knows any thing of the world, and of the present state of the Christian religion in the world, will understand, that this zeal, however laudable in itself, is a principle that must be laid under considerable restraint, otherwise it may do much mischief,—mischief to that which it is its object to serve—to religion. In the present state of things a prudent man, who considers how the interests of churches and of states are connected and blended, will be sensible, that his zeal for the propagation of the particular tenets of his own sect upon many occasions must be repressed,—that it is a part of his religious duty to restrain it. But the public safety must not be trusted to the discretion of individuals: it is fit therefore, and necessary, that the laws should lay due restraint upon the irregular sallies of an indiscreet zeal; and this interference of the laws is the more necessary, because the thing to be restrained is in itself not criminal. But, my lords, I say, that the zeal of the Roman Catholic is very sufficiently restrained by our subsisting statutes. The statute of the 3rd Jac. cap. 4, is at this day in full force against any person who shall attempt to draw away any one within his majesty's dominions to the communion of the church of Rome. By the 22nd and 23rd clauses of that statute, and by an older statute, the 23rd of Eliz. cap. 1, which also is still in force, "it is high treason for any person, either upon the seas, or beyond the seas, or in any other place within the king's dominions, to reconcile or be reconciled to the pope or see of Rome." To be reconciled indeed is no longer an offence to be prosecuted under these or any other statutes; because the statute of the 31st of the king says, "that no one complying with the conditions of that statute shall be liable to impeachment or prosecution simply for being a papist or reputed papist; or for professing or being educated in the popish religion; or for hearing or saying mass; or for being a priest or deacon; or entering or belonging to any ecclesiastical order or community of the church of Rome; or for being present at, or performing, or observing, any rite, ceremony, practice, or observation, of the popish religion; or maintaining or assisting others therein;" provided, &c. But, will any one point out to me the clause in the statute of the 31st of the king, or in any other statute now subsisting, which says that a person having reconciled or attempting to reconcile any other person within the king's

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dominions to the pope or see of Rome, shall not be impeached or prosecuted under these statutes of Elizabeth and James as for the offence of high treason; and, if convicted shall not suffer as a traitor? And, I ask, are not the penalties of high treason a sufficient restraint, are they not all the restraint you can lay, upon the zeal of Roman Catholics?

My lords, I ought to ask pardon of the House for taking up so much of your time upon this subject of the danger of conversion; because, in truth, it has little connexion with the bill; for the bill takes no notice of this danger, and pretends not to provide any security against it. But, my lords, I know that the apprehension of this danger is without doors one of the most popular arguments for the bill, and has procured it any favour that it has with the public. People in general have given themselves no trouble to know more about this bill than that somehow or other it is against popery, and particularly against the propagation of popery by the emigrants from France; And you hear it said every day in commendation of this bill, "Oh! God forbid we should persecute, them! but the laws should take care that they do not pervert our own people." So say I, my lords: but then I say the care is already taken; and I think it right to take this opportunity of setting the public right upon this point—of showing that the supposed merit of the bill, in this particular, rests upon a misconception of the bill itself, and a misunderstanding of the law upon the subject as it actually stands. But now, my lords, I proceed to consider that apprehended danger which is one express and principal object of the bill; a danger apprehended from the impunity given by the statute of the 31st of the king, under conditions, to Roman Catholic tutors and schoolmasters; of which these fugitives from France, it is supposed may avail themselves. My lords, the fact must be admitted, that among the fugitives from France are many regulars of both sexes. The monks, however, are very few; and the far greater proportion both of monks and nuns are the natural-born subjects of his majesty,—English monks and English nuns, who are settled in convents of their own in France and Flanders, because they could make no such settlement in their own country. Their houses have been demolished, their property plundered, their persons harassed; and they have fled into the arms of their mother-country in the hope of finding a shelter here from the fury of Antichrist in a foreign land. With these, some French monastics of both sexes have made their escape; and they are now all settled in different parts of the country, in houses in which the remaining members of each convent live in common. The monks, as I have said, are few, —English Benedictines settled at Acton Barnell, near Shrewsbury: English Benedictines at Vernon Hall, near Liverpool; English Franciscans, near North Allerton; and English Dominicans at Carshalton, in Surrey. The persons of these four different orders amount to no more than twenty-six; and these, with the addition of five miserable Cistercians of the order of La Trappe settled near Wareham, and five Carthusians near Wardour Castle, make the sum total of monks, English and French, settled in England. The nuns, my lords, are more numerous; consisting of the surviving members of twenty-two convents in all, of which eighteen were English, and four only French,—the Bernardine dames, from Abbey Desprez at Douay, settled at Pentonville, near Islington: the ladies of the order of St. Francis de Sales, settled near Little Chelsea; the Benedictine Dames of Montargis, at Bodney Hall in Norfolk; and the Hospitalieres of Cambray, at or near Ilford, in Essex. The whole number of these four French convents is, I believe, very small. Of the eighteen English, I could state distinctly the different orders, the settlements, and the numbers of each; for I believe I am possessed of pretty accurate and authentic information; but I shall not trouble your lordships with this detail; I shall only say that the gross number certainly exceeds not three hundred and sixty persons.

My lords, all these persons (with the exception of the ten French monks) have qualified themselves to be teachers of youth, according to the statute of the 31st of the king; and they have opened schools at their respective habitations,—the monks for boys, and the nuns for young ladies. My lords, I, for my part, am well pleased that the Roman Catholics of this country are at last furnished with the means of education for their sons and daughters within the kingdom. It was a cruel and a weak policy to compel the Roman Catholics to send their children

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abroad for that liberal education which they could not receive at home; and I believe your lordships will agree with me, that a Roman Catholic education at home is a much better thing than a Roman Catholic education in a foreign country. For this reason I rejoice at the institution of respectable Roman Catholic schools in different parts of the kingdom. But the friends of the bill, I suppose, will say "It is very fit that the Roman Catholics should have the liberty and the means of educating their own children in their own principles; but let us take care that they pervert not our children, let them be restrained from taking the children of Protestants to board or educate." Agreed, my lords; this restriction should certainly be laid upon them. Will your lordships give me leave to recite the 13th, 14th, 15th, and 16th clauses of the 31st of the king. "No ecclesiastic or other person of the Roman Catholic religion, who shall take and subscribe the oath, &c. shall be prosecuted in any court for teaching or instructing youth as a tutor or schoolmaster: provided, that no person professing the Roman Catholic religion shall obtain or hold the mastership of any endowed college or school for education of youth, or keep a school in either of the universities; and provided, that no schoolmaster professing the Roman Catholic religion shall receive into his school the child of any Protestant father; and provided, that no person professing the Roman Catholic religion shall keep a school till his or her name and description shall have been recorded at the quarter-sessions, by the clerk of the peace, &c. And no person offending in the premisses (i. e. the premises of these three provisos) shall receive any benefit of this act." No schoolmaster, therefore, professing the Roman Catholic religion who shall receive into his school the child of any Protestant father, is to have any benefit of this act. My lords, if he has no benefit of this act, he is liable to the penalties of all the subsisting statutes against popish schoolmasters. And what are those penalties, my lords?—By the 23rd Eliz. (cap. 1. sect. 6). "Any person who shall keep or maintain a schoolmaster which shall not repair to church, or be allowed by the bishop or ordinary of the diocese, shall forfeit 10*l.* for every month; and such schoolmaster or teacher presuming to teach contrary to this act, shall be disabled from teaching, and shall be imprisoned for one year." Such, my lords, are the penalties by the statute of Elizabeth,—upon the person retaining a popish schoolmaster, a forfeit of 10*l.* per month: upon the schoolmaster, disability, and imprisonment for one whole year. But, my lords, these being not enough, by the 1st Jac. cap. 4, "No person shall keep any school, or be a schoolmaster, out of any of the universities or colleges of this realm, except it be in some public or free grammar school, or in some such nobleman's or gentleman's house as are not recusants, or where the same schoolmaster shall be specially licensed thereunto by the archbishop, bishop, or guardian of the spiritualities of that diocese." And the penalty, my lords, for offence against this statute, as well upon the schoolmaster as the party that shall retain or maintain him, is a forfeit upon each of them separately or 40*s.* a day. Forty shilling a day, my lords, seems a sufficient forfeit to keep any popish schoolmaster or schoolmistress in pretty good order. But it is said these old laws are a mere dead letter, they are so difficult to be enforced. Difficult to be enforced, my lords! I maintain that no law is more easy to be enforced than these penal statutes against popish schoolmasters. My lords, the statute of king James is a business of *qui tam*; for the forfeit is half to the king and half to the person that sues; and will any man of common information say, that a prosecution by indictment for a misdemeanor under this new bill will be an easier proceeding than a *qui tam* action? What! my lords, is a pettyfogging attorney no where to be found, who would lend his services in this righteous business of bringing popish schoolmasters and schoolmistresses to condign punishment? But then, it is said, it would be odious to enforce these penal laws. Would it so, my lords?—then I say it is infinitely more odious to be framing new ones.

My lords, I now come to the greatest danger of all, in the apprehension of the framers of this bill; which it is the principal object of the bill to prevent,—the danger, that, in consequence of the numerous settlements of nuns and monks, but chiefly of nuns, for the monks are so few that they may be very properly overlooked,—that in consequence of these settlements, monastic institutions may gain a permanent establishment in this country. I have stated to your lordships,

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that English nuns of eighteen different orders besides four sets of French nuns, are settled in different parts of the country,—each order in a house of its own; where the persons of the same order live together (but apart from those of other orders), and, otherwise than in the business of education, mix not with the world. Now my lords, if any ten or twenty, or a larger number of these ladies, should choose to take a great house where they may live together as they have been used to do all their lives, and lead their lives according to their old habits; getting up in the morning and retiring at night at stated hours, dining upon fish on some days of the week, upon eggs on others,—I profess I can discover no crime, no harm, no danger, in all this; and I cannot imagine why we should be anxious to prevent it. My lords, I say it would be great cruelty to attempt to prevent it; for these women could find no comfort in any society but their own, nor in any other way of life. They cannot mix with the lower order of the people: they are ladies well born (many of them indeed of high extraction), and of cultivated minds. And yet they are not prepared to mix in the politer circles. Enamoured, by long habit, of the quiet and solitude of their cells,—absorbed in the pleasures of what they call the interior life,—these women would have no relish for the exterior life of fashionable ladies. My lords, it would be martyrdom to these retired, sober women, to be compelled to lay aside the cowl and simple habit of their order, to besmear their cheeks with vermillion, and plaster their throats with litharge,—to clap upon their heads an ugly lump of manufactured hair, in shape and colour as different as possible from the natural covering,—and then, with elbows bared to the shoulder, to sally forth to the pleasures of the midnight rout, to distribute the cards at loo, or soaring to sublimer joys, to rattle the dice box at the games of hazard! Exquisite, ravishing, as these delights must be confessed to be to those who have a well-formed taste, these stupid women my lords, have not that taste; and if you will not permit them to live in their own dull way, you should have strangled them when they first landed. "Who ever thought of strangling them?" say the friends of the bill; "or who would hinder them from living quietly among themselves in their own habitations? But what we fear is that they will enveigle our own young women,—that they will profess new nuns in this country,—that so a succession will be provided, and monastic institutions established, not only for a time, but rendered perpetual; and that is the danger which this bill is intended to prevent." My lords, I confess my mind is not much alarmed with apprehensions of this danger. I think we have a pretty good security against it for the present, in the general inclination of the minds of my fair countrywomen; which, I am persuaded, is not bent towards retirement and seclusion: but the fancies, to be sure, as well as the fashions, of English ladies are liable to change; and therefore I agree, that small as the danger seems to be at present, the laws ought to provide against it. But, I ask, upon this point as upon the former, have not the laws provided? Will your lordships take the trouble once more to turn to the 31st of the king: how do your lordships read the 17th section?—"Provided also, and be it farther enacted, that nothing in this act contained shall make it lawful to found, endow, or establish (lawful to found, to endow if founded, or if founded and endowed, to establish—domicile in this country) any religious order or society of persons bound by monastic or religious vows; or to found, endow, or establish any school, academy, or college, by persons professing the Roman Catholic religion, within these realms or the dominions thereunto belonging: and that all uses, trusts, and dispositions, whether of real or personal property, which immediately before the said 24th day of June 1791 might be deemed to be superstitious or unlawful shall continue to be so deemed and taken; any thing in this act contained notwithstanding." Nothing, your lordships see, in this act contained, is to make it lawful to found, endow, or establish any monastic society in this country. If nothing in this act of the 31st of the king makes it lawful, I am sure it is not made lawful by any other act; it is completely unlawful: and if any of the religious ladies settled here attempt to establish and perpetuate their order in this country by professing new sisters here, they are guilty in every such instance of a gross overt act of popery; and the whole park of the artillery of the penal code points at them its dreadful thunders. And not only so, my lords, but no monastic society can take any property real or personal: property of any kind, or granted in any way, "de-

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vised, bequeathed, or settled upon trust, so that the profits may be applied to any abbey, priory, convent, nunnery, college of Jesuits, seminary or school of popish education," is forfeited to the king, for the use of the public, by the 1st Geo. sect. 2, cap. 50. And I think, my lords, there is little danger that any monastic society without funds of any sort for its subsistence will be of long duration.

But, my lords, I know reports are confidently circulated that these laws are disregarded, and that new professions have taken place in great numbers among the nuns of the different orders since their arrival here. My lords, as to the great numbers, I disbelieve it: that some have taken place, I believe; but they have been very few; and when the particular cases are examined, there will be found to be very little ground of complaint. [The bishop then related two cases: upon which the lord chancellor observed, that it might be very improper to proceed in this particular detail; since, whatever might be said in extenuation, the thing was certainly a high offence against the laws; and the discovery of particular instances might subject the persons concerned to severe prosecutions.] My lords, I thank the learned lord for stopping me: I am sensible of the indiscretion of entering upon this detail, and shall proceed no farther in it. But the necessity of abstaining from it, which the learned lord has suggested, greatly strengthens my argument. To profess a new sister, even in the most excusable cases, is now stated by great authority to be a high offence against the existing laws; exposing the persons concerned, to the danger of very severe penalties: the learned lord therefore agrees with me that the thing is forbidden, under the highest penalties, by the laws we already have: I hope, therefore, he will agree with me in the conclusion that no new law is necessary upon this subject. My lords, with respect to the fact of the professions that have taken place, I shall only say in general, that it is my full belief and persuasion, that not one has taken place among our English nuns but in cases similar to the two I have described; in which the professed were young ladies that were upon their probation in the convent abroad, before the storm fell upon the convents. Such, and such only as I believe, have been professed in this country since the arrival of the convents here. And, my lords, I must say more for them: I have the greatest reason to believe, that even in such cases the offence will not be repeated amongst the English nuns: I have the greatest reason to believe, and could almost venture to assure the House, that the vicars apostolic, well aware of the illegality of the practice, have cautioned their people against it, and will use their utmost influence to prevent it in the future. My lords, in saying this with respect only to the English nuns, I would not be understood to admit that any worse cases have happened among the French sisterhoods, or that the thing is likely to be repeated among them: but with respect to them, my lords, I speak with less confidence, because I have not means of information equally accurate; and I conceive that the vicars apostolic may not have the same command over them as they have over the English. But I must observe, my lords, with respect to them, that although the penal laws and the statutes of relief from penalties apply equally, as I remarked long since, to natural-born subjects and to aliens, yet if these alien nuns should be so ill-advised as to take advantage of the indulgence which our statutes extend to them, to do any thing that may justly offend or alarm the public, the summary operation of the alien bill, my lords, hangs over them. So that, with the laws respecting popery, equally applying to subjects and to aliens, with the addition of the alien bill to keep aliens in order in all points, I conceive our security against the dangers which this bill would obviate to be most complete.

But now, my lords, let us look at the means of security which this bill would provide; which I affirm to be most unconstitutional. My lords, the preamble of the bill states, that "numbers of persons belonging to certain religious orders or communities have lately come into this kingdom." Agreed, my lords; the fact is as stated. Then the preamble assumes, "that it is expedient to permit, under certain restrictions, their residence here." Agreed again: it is very convenient to permit their residence; for, with respect to the far greater part of them, their residence, upon the condition of their taking the oaths required by law, cannot but be permitted. The nuns in the proportion of nine to two, and the monks in the proportion of twenty-six to ten, are natural-born subjects; and having taken the oaths,

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have a right to reside here, in their own country, without any restrictions. Well, my lords, since here they are, and since they cannot be sent away, the bill wisely proceeds to enact, that "from the passing of this act, it shall be lawful for his majesty, his heirs and successors, when they shall think fit, to grant to such religious orders or communities professing the Roman Catholic faith, his royal licence and authority to continue to reside in these realms during the continuance of the present war, and one year after."—To continue to reside? My lords, for the continued residence of the individuals no licence is wanted; it is a matter of right with respect to most of them: the continued residence therefore which is to be licensed, must be understood of their residence as orders or communities—their residence as monastic corporations, in that form and shape; and so the words that follow explain it: the king is impowered to grant them his licence to reside, "and to perform and observe, within their respective houses, the rites and ordinances of their respective institutions; any law or statute to the contrary notwithstanding." This, my lords, is what I maintain to be perfectly unconstitutional. Observe, my lords,—they are licensed to perform the rites and ordinances—of what, my lords?—Not simply of the Roman Catholic religion, but of their respective institutions. My lords, did the framers of this bill know what will be allowed, or rather did they know what will not be allowed, under such a licence? Penance, your lordships know, is a rite of the Roman Catholic religion; but penance in religious houses is administered by the order and direction of the superior; and as there administered, it often consists in imprisonment for any length of time, and in other corporal severities. Good God! my lords, and are the superiors of these parliamentary monasteries to be impowered, by his majesty's royal licence, to imprison and otherwise maltreat the persons of his majesty's subjects? But, this is not all: did the framers of this bill know how, according to the notions of Roman Catholics, a new monastery may be founded?—My lords, it cannot be done by act of parliament: the Roman Catholics will not consider it as a monastery, without some considerable interposition of the authority of the ecclesiastical superiors,—of the bishop of the diocese, in any country where the church of Rome is the established Church; except, indeed, in the case of an order of nuns specially exempted from the jurisdiction of the bishop, and subject to some order of monks; which is the case of many: but in this country, where the church of Rome is only tolerated, I apprehend the vicars apostolic stand in the place of the bishop of the diocese, or other ecclesiastical superior. But, however that may be, my lords, the ecclesiastical authority, in whatever hands it may be lodged, must be interposed for the regular constitution of a monastery or a convent. And so, by this licence, the king is to give not barely a religious, but a civil political effect to these acts of the hierarchy of the Roman church. Still, my lords, this is not all: the Roman Catholic bishop cannot act in such a business of himself; he must be specially impowered by a bull of the pope. Your lordships know that the importation or putting in ure of any faculty, dispensation, bull, or instrument whatever, of the see of Rome, is prohibited by a multitude of statutes, under the highest penalties; but with all these prohibitions of the law, the king by this bill will be impowered, in the instance of settling a monastery or convent here, to dispense. My lords, have we forgotten what it was that lost James II his crown?—was it not his attempting to dispense with the laws in that very branch in which this bill would place a dispensing power in the hands of the sovereign? My lords, I see but few of my brethren upon that bench; but among the few that are present, I have the satisfaction to see a successor of one of the seven who had the honour to be committed to the Tower for the opposition they gave to the arbitrary measures of James 2nd. My lords, I trust that right reverend prelate will think it his duty, for the honour of his see, to give me his most strenuous support in the resistance I am now making to this dangerous, alarming, unconstitutional project.

But now, my lords, I will suppose that your lordships find these objections of no weight,—which I hope will not be the case; but suppose the bill passed; suppose the licences granted; they are to be only for a term (the probable term perhaps a pretty good one), till the end of the war, and one year after;—my lords, what is to become of these women when that period shall arrive. Are we then, when they are comfortably settled, attached to their

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habitations, advanced in years,—are we then to say to helpless inoffensive women "Come ladies, turn out! your term is expired; you can stay no longer here?" My lords, this can never happen; they are in no danger: I again repeat, they are natural-born subjects of the king—born to the rights and franchises of subjects: they have bound their allegiance to the sovereign in the terms which the law prescribes; and it never can be said to them "Turn out." But I hold up this circumstance to your lordships' notice as a manifest indication of the spirit in which this bill has been framed.—My lords, being put to my shifts, as I mentioned at the beginning, to discover what the friends of this bill could say for it, I have hearkened out very much to the *pro* and *con* about it in company. One thing I have heard urged in favour of the bill is this,—that the Roman Catholics very much dislike it: they dislike it; *ergo*, it must be a most delectable bill! A very pleasant argument, my lords! Only consider how far this will go. If a bill were brought in to repeal the 31st of the king, the Roman Catholics, I will answer for them, would very much dislike that. Would your lordships, for that reason, pass it? Will your lordships apply this principle to other bills now pending? There is a certain bill before the House, which the millers exceedingly dislike: will your lordships therefore pass it at once, without any farther investigation of its merits, or any hearing of their objections? Such a proceeding would save your lordships much time and trouble; and the final conclusion might, in that instance, for aught I know, be very right: but, my lords, this way of coming to it would not be very consistent with the wisdom and justice of parliament.

My lords, there is one part of this bill, and one part only, which I cannot say I wholly disapprove: it is that clause which requires Roman Catholic schoolmasters and schoolmistresses of a certain description to make an annual return of their schools to the clerk of the peace. I think it would be very proper that government should be informed from time to time of the actual state of all Roman Catholic schools. But I would rather that this should make a part of a general bill for the regulation of all schools; a matter that loudly calls for the attention of the legislature. Time was, my lords, when schools were under some control; but since the statute of the 19th of the king for the farther relief of Protestant dissenting ministers, they have been under none. A schoolmaster has only to declare that he is a Christian and a Protestant dissenting from the established church of England, and to profess his general belief in the holy scriptures in the terms required of dissenting ministers,—and no one has a right to ask him "Why have you opened school here? whom do you teach? or what do you teach them?" My lords, the consequence is, that schools of much worse things than popery abound in all parts of the kingdom,—schools of Jacobinical religion, and of Jacobinical politics; that is to say, schools of atheism and disloyalty,—schools in the shape and disguise of charity-schools and Sunday-schools, in which the minds of the children of the very lowest orders are enlightened; that is, taught to despise religion and the laws, and all subordination. Books have been composed for the use of such schools, of the most dangerous tendency. I know that this is going on in various parts of the kingdom, and particularly in the neighbourhood of the metropolis. I hope that in another session the attention of the legislature will be turned to this most important business: but it is much too late in this to take up any general plan of regulation; and there is nothing that presses for any immediate regulation beyond what we already have of Roman Catholic schools in particular. My lords, it is my persuasion, that the Roman Catholics of this country are in general good subjects, loyally attached to his majesty's person and to the constitution. I must say more; I am persuaded, that of all sects dissenting from the established church, there is not one in the present times from which either church or state has less to fear than from the Roman Catholics. My lords, in this state of things, the danger is not to the church of England from popery: the danger to be more dreaded is that which threatens us all from the common enemy of the Christian name. Nothing could be more opposite to the general interests of Christianity—nothing more opposite to the interests of the state—nothing more opposite to the interests of the Protestant religion—than any measure that might conduce, as the passing of this act would conduce, to a revival of the rancour between Protestants and Roman Catholics; which, I

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flatter myself is dying away, if we can but persuade ourselves to let what is well alone. My lords, I could say much more against this bill; but I have taken up too much of your time: what I have said is more than sufficient to warrant the motion I now make, "That this bill be committed for this day three months."

The Bishop of *Winchester* said, that the bill appeared to him not unnecessary or nugatory, but as a moderate, wise, and necessary measure, in order to quiet the apprehensions and jealousies entertained hastily, in consequence of the great number of Roman Catholics of different religious orders and communities that had lately come into this kingdom. That such jealousies and apprehensions were entertained by prejudiced and heated minds, was but too true; and the bill was calculated to set such ill-founded apprehensions at rest. It was an enabling bill, and a bill of restraint. He thought the enabling part of it well warranted by the occasion: it was wise, considerate, and candid, to suffer the religious orders or communities, that were, through unforeseen misfortunes, driven to this country, to be put in safety as to their religious rites; and at the same time he approved of the restrictive part of the bill, because he thought it prudent to prevent any addition to their numbers, and to guard against any possible danger from their zeal to make converts. Those parts of the bill which related to the keeping of schools, he did not entirely approve of; but as the measure was in general a good one, this latter consideration should not induce him to oppose it.

Lord *Grenville* said, that he should feel himself obliged to object to the bill, because he considered it to be founded altogether in intolerance. It was the first time, he believed, that parliament had been called upon to pass a new penal law without having some strong reason assigned in proof of its necessity; a penal law too, the tendency of which was, to excite unnecessary jealousies against an unfortunate and unoffending description of foreigners, who had been driven to seek refuge in this country. The conduct of the emigrant clergy, had been unexceptionable. He objected therefore to the enabling part of the bill, because it tended to cast an odium on a large description of individuals, against whom no charge of improper conduct had been established, and he objected to the restrictive part of it, because it was ill-timed and nugatory.

The *Lord Chancellor* thought, that the bill contained some good provisions, and might, by amendment, be rendered highly useful. He wished therefore that it might go to a committee.

The question being put, "That the said bill be committed for this day three months," it was resolved in the affirmative.

The King's Message respecting his Personal Property, &c.] June 17. Mr. Pitt presented the following Message from his Majesty:

George *R.*

"His Majesty being informed that doubts have arisen, touching the powers vested in his majesty to dispose of certain estates purchased by his majesty, and also concerning the powers of his majesty, and his successors, to dispose of such real property as they may hereafter purchase, or may become entitled to otherwise, than by descent with the crown, and also touching the application of, and succession to such personal property as his majesty and his successors may be entitled to at the time of his or their demise: and that doubts have also arisen touching the powers vested in the queen to dispose of certain estates purchased by her majesty, as well as the general powers of the queen consort to dispose of real and personal property; and his majesty being also informed, that, by reason of the restrictions imposed on the alienation of the crown lands, difficulties have arisen where lands escheated to his majesty have been subject to trusts or charges, and that, in other cases, inconveniences may arise from such restrictions; his majesty recommends to his faithful Commons to take these subjects into their consideration, and to make such provisions concerning the same, as may appear to them to be proper. G. *R.*"

June 18. The House went into a committee on the said Message, and leave was given to bring in a bill "concerning the Disposition of certain real and personal property of his majesty, his heirs and successors, and also of the real and personal property of her majesty and of the Queen Consort for the time being."

June 19. The Attorney-general brought in the said bill, which was read a first time.

Mr. *Nicholls* said, he thought the bill affected the rights of the heir apparent, and if he recollected distinctly the

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history of no very remote period, it was held by very able men, that the king possessed not the right of disposing of his personal property. However this might be, it was quite certain that his present majesty recovered from the duke of Cumberland a sum of money left by George 2nd to that prince, and that George 2nd contested and obtained possession of an annuity left by George 1st to the queen of Prussia, from which doubts were entertained whether the property of the king did not of right devolve to his successor.

July 3. On the motion for the second reading of the bill,

Mr. *Sutton* hoped that Mr. Nicholls would withdraw his opposition to the bill, as he was authorized by the prince of Wales to say, that, so far as his interest was concerned, he most readily acquiesced in it.

Mr. *Nicholls* said, that he felt it his duty to oppose the bill. His majesty might in his lifetime, dispose of his personal property, but he had no more right to dispose of it by will than he had to dispose of his crown. The attorney-gegeneral had founded a contrary opinion upon the 16th of Richard 2nd; but this parliamentary declaration could not be intitled a statute, because it did not appear to have had the sanction of the three branches of the legislature. It certainly was to be found upon the parliamentary roll, but it was not upon the statute roll. He quoted the opinion of lord Coke, and read some passages from the trial of lord Macclesfield, to show the difference between the parliament and the statute roll. It appeared to him therefore that the 16th of Richard 2nd, was only an ordinance, and not a statute; and lord Coke had distinctly stated, that an ordinance had not the force of a statute. He then cited a variety of cases, in which kings of England had made wills, notwithstanding which their successors, took their personal property. In giving the sovereign this power of disposal over his personal property, it should be recollected, that the personal property, of a king might be considered as going to a very great extent: if jewels were considered as personal property, why not money in the exchequer, ships, naval and military stores, &c.? In short, it would be difficult to ascertain what was personal property. In the reign of queen Anne the opinion of eight lawyers was taken with respect to the power of her majesty to dispose of her jewels, and their opinion was that she could not. This bill had been called a declaratory bill; but he contended that it would declare that to be law which was not at present the law of the land. If, on the other hand, its object was, to create a new law, it would be extremely unjust to his majesty's successors, whoever they might be. The consent of the prince of Wales was certainly sufficient as far as his rights were concerned, but it could not affect the rights of other persons. He would not enter into a consideration of the policy of this bill, because he trusted the attorney general would feel that he could not support it as a declaratory law; and if it was meant as a new law, the House must feel that it was of a nature much too important to be brought forward at so late a period of the session. It might be said, that it was very hard that his majesty had not the same right as any of his subjects; but the answer was short, that he was not a subject, and consequently, from his situation, did not want any such right. He could not want it for the purpose of making a provision for the queen, or any of his children, because they were provided for by parliament, and, without some very strong reason, it appeared to him unwise to make so great a change as this bill most undoubtedly would make.

The *Attorney General* admitted, that this was a subject upon which much doubt and difficulty existed; and it was for that reason he thought there should be a parliamentary declaration upon the subject. The hon. gentleman had contended that the 16th of Richard 2nd was not entitled to the force of a statute. The hon. gentleman was incorrect in supposing that he had stated that that right originated in the 16th of Richard 2nd; he had said no such thing; he had merely quoted the 16th of Richard 2nd as a parliamentary recognition of that right. He contended, that the king had, by common law, a power of disposing of his property, though the extent of that right was not precisely ascertained. He could not be supposed to say that that right was founded in the 16th of Richard 2nd because it was exercised by his grandfather Edward 3rd. He then stated a number of instances, in which kings of England, from the earliest periods had disposed of their personal

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property by will. From all these cases it was clear, that this was a right which had been constantly exercised. It had been said that this bill would enable his majesty to dispose of money in the exchequer, &c.; but it should be recollected that the king had only the disposal of his privy purse. His majesty had made some purchases, very small in their extent, but he had occasion, from his professional situation, to know that there were many little vexatious circumstances which his majesty had to encounter, merely from the difficulties existing upon this subject. An instance occurred at the decease of the princess Amelia, who had acquired some property after she had made her will, and though his majesty was disposed to let that part of the property pass under the will, he was not able to do it. It was extremely hard that his majesty should be prevented from making a provision for an affectionate child, or remunerating a faithful servant: a right which the meanest of his subjects possessed.

Mr. *Rose* said, that Mr. Nichols was incorrect in supposing that it was necessary to appear upon the parliament roll, that the assent of the three branches of the legislature had been given to a bill.

The Bill was then read a second time; and went through the subsequent stages without opposition.

*Debate in the Commons on the Treason Bill, and the Insane Offenders Bill.**] June 30. The *Attorney General* said:—I rise, Sir, for the purpose of moving for leave to bring in a bill for regulating trials for high treason in certain cases, and for the safe custody of insane persons charged with offences. My object is, to confine the bill to the point of making high treason, in a certain denomination of it, like the case of murder, by which I mean a direct attempt against the person of his majesty. The only objection which can be offered to this bill, is that of a supposition that there may be a difficulty in defining the case to which the bill would refer. I apprehend there will be no such difficulty. In the case of maliciously shooting at any person, there is no difficulty in defining cases that come within the meaning of the law. The same rule I would apply to an attempt on the person of the king. With regard to that part of the bill, which relates to the safe custody of insane persons who are charged with offences, something is necessary to be done on that subject. I do not allude particularly to what has recently happened; but all those whose duty calls them to attend to the proceedings of courts of justice, must think it important that some provisions should be made upon this subject, because it has been found that persons who have done the most shocking acts, and who have been acquitted on the ground of being deranged in their intellects, having been allowed to go at large, have afterwards committed similar acts again; there are several instances of his majesty's subjects having lost their lives for want of a due provision in this respect. By the common law, when a person of this kind is acquitted, the court before which he is tried have full power to direct the safe custody of such a person; but then the law has so little regulated that custody, and is so silent as to the rules to be observed with regard to it, that it may be said to be defective in that particular; and on reflection, I think it will be impossible to lay down any positive rule, with regard to the manner of that custody, and therefore much must be left to the discretion of the executive government; but when we consider the circumstances of these unhappy persons, that generally they are of low habits and connexions, and seldom have any friends to take care of them, it will appear to be humane to give to the executive government some discretion to dispose of them. Under these circumstances I move, "That leave be given to bring in a bill for regulating Trials for High Treason, and Misprision of Treason in certain cases, and

* On the 15th of May, a most alarming and extraordinary circumstance occurred at the Theatre Royal, Drury-lane. At the moment when his majesty entered the box, a man in the pit, near the orchestra, on the right-hand side, suddenly stood up and discharged a pistol at the royal person. The king had advanced about four steps from the door. On the report of a pistol, his majesty stopped, and stood firmly. The house was immediately in an uproar, and the cry of "Seize him!" burst from every part of the theatre. The king, apparently not the least disconcerted, came nearly to the front of the box. The man who committed the crime was seized, and conveyed from the pit. His name was Hadfield. Being examined by a magistrate, he exhibited symptoms of insanity; though some of his answers were rational. Hadfield was tried in the Court of King's-bench for high treason, and acquitted, but not discharged. A report of the proceedings against him will be found in Howell's State Trials.

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for the safe custody of Insane persons charged with offences."

Mr. *Nicholls* had no objection to the second part of the motion; but with regard to the first, he thought it advisable to abide by the law which the wisdom of our ancestors had devised.

Mr. *Pitt* said:—On a subject of this high importance, I should think, that although no proof existed of any actual inconveniences having arisen, yet, if we see, by looking at the law, as it now stands, that not only great inconvenience, but danger may arise from it, we shall have no difficulty in saying that there ought to be an amendment of the law in this particular. The general principle of the law to guard against constructive or political treason, is not proposed to be touched by this bill; but it is intended to apply to a simple act, capable of demonstration almost. Suppose the late attempt against the person of the sovereign had been successful, it would certainly have been a murder of a very aggravated and horrid nature. If it had been against any of his majesty's subjects, it would have been murder by the law of England; and one witness would have been enough to prove it. But in the case of the murder of the sovereign, on whose life the safety of the state depends, by the law of treason, a different form of prosecution must be observed; one witness would not be sufficient to prove it, nor could the trial, in many other respects, have the same facility, on the part of the prosecution, as it would have in the case of the murder of one of his majesty's subjects. Although the act should be plain murder, yet it cannot be stated but as treason, and that, by law, requires two witnesses. This is a condition in which the law ought not to stand. We are all of us happy that the barbarous attempts that have been made against his majesty's person are totally free from any combination or conspired design; but when we have had the warnings of individual designs, although the result of phrenzy, against his majesty's sacred person, we should take care that his majesty's sacred life should have, at least, as much protection as that of the meanest of his subjects.

Leave was given, and the bill was brought in and read a first time. On the following day, it was read a second time, and the committee were empowered to turn the said bill into two bills, if they thought fit; which was accordingly done.

July 11. The said bills were reported. On the motion, that the Insane Offenders bill be engrossed,

Mr. *Windham* said, he was sorry that the subject should come on when there was so thin a House: it was one of considerable importance. He could not but wish that some punishment might attach on any attempt upon the life of the sovereign, notwithstanding the plea of insanity. It was, no doubt, revolting to one's feelings, to think of punishing an insane person; but there was also something revolting in all punishments, particularly in capital punishments; they were inflicted, however, not from vindictive motives, nor from any notion that even in cases of the greatest atrocity they afforded any compensation to society for the offence committed, but with the view of preventing the repetition of it on the part of others. It was a well-known saying, that a man should be punished, not because he had stolen a horse, but that horses might not be stolen. If the subject were viewed in this light, the propriety of capitally punishing attempts on the part of a madman, against the life of any one, would perhaps be admitted; and much more would these considerations apply with respect to an attempt on the life of the sovereign, which, if successful, might have the effect of dissolving the whole fabric of society. There was something in the state of madness that, where such a design was conceived, generally led to make the attempt on the greatest objects, especially if that madness happened to be connected with any particular political bias. The only ground on which the measure he now suggested could fairly be opposed was, that madmen were not capable of being influenced by the fear of punishment; but he conceived that they were influenced by the fear of punishment more than by any other consideration, and to a degree much beyond the impression it made on other men. On lord Ferrers' trial a question was put to a witness, whether his lordship was in a state to distinguish moral right and wrong? He should have thought the proper question would have been, whether he was in a state in which he could feel a dread of punishment? He was persuaded that the House, reflecting on recent events, and the chance of the same dangers again occurring, would see the propriety of maturely considering the suggestions which he had thrown out.

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Mr. *Nicholls* entered his protest in the very outset against the measure now suggested. There never was a time when, by the law of England, a madman was regarded as a fit object of punishment. Formerly, indeed, a design to commit murder, if fully proved, incurred a capital punishment, according to the maxim, "voluntas pro facto reputabitur." But never did the law of England sanction the punishing a madman. The will was necessary to constitute crime: "actio non est rea, nisi mens sit rea." The very word "demens" expressed a man who had not reasoning powers to judge of punishment. He admitted that the attention of madmen was most attracted by prominent objects; but as the punishment of a madman could not operate as a prevention, he hoped the sentiments then delivered would never be again brought forward.

The *Solicitor General* thought that the proposition of the right hon. gentleman, was one which deserved very mature consideration, and it was one which certainly derived countenance from the law of England. By the ancient law, madness in certain cases was not allowed to be an exemption from punishment. The life of the king was considered to be of such importance as to stand in need of every kind of safeguard. Lord Coke stated an attempt of this nature as an exemption from the general rule, that madness was not punishable; and lord Hale likewise stated this to be a safe and a wise exception. It was not possible, in all cases, to discover whether the madness was real or feigned; and therefore the ancient law was, that killing the king was treason, from whatever quarter it proceeded. In case of a man's being capable of being influenced by the fear of punishment, he questioned whether the plea of madness, with regard to any crime, could be admitted; and it was doubtful whether there were many persons so mad as not to be capable of being influenced by such a fear.

The bills passed without further debate.

Debate on Mr. Sheridan's motion for a Call of the House in the present awful Conjuncture.] June 27. Mr. *Sheridan* said:—I rise, Sir, in order to state the grounds on which I rest my proposition, for a call of the House on this day fortnight. When I first mentioned my intention of bringing forward such a motion, it was observed that the intelligence recently arrived from France was mere rumour; but, I now understand government has received authentic accounts of that disastrous intelligence. It is not my intention to go much at large into general topics, but to bring before the House the simple question, whether the present circumstances of the country, and the relative situation in which it stands with regard to its allies, are not materially altered since we last discussed the subject of peace and war, and also to inquire, whether it is proper to separate, without once more endeavouring to counsel his majesty on this all-important subject? When last this question was discussed, we were instructed by the prophetic and warning voice of that great man,* whose absence the House, in common with myself, must regret upon this occasion, as to the utter impracticability of subduing the French republic by force of arms. At that period, it was admitted, that we were continuing the war for the purpose of restoring the House of Bourbon. Such was confessedly the object of ministers. In order to persuade the House to coincide with them, six reasons were adduced. Now, every one of those six grounds or reasons for refusing to negotiate have wholly and completely failed? The first reason was, that we ought to wait for a better acquaintance with the character of Buonaparté, and for some proof of the stability of the government of which he was the head. Have we not been enabled to form a sufficient estimate of his character, and need we require any further proofs of the stability of his power? The second reason was, the extensive support that we should receive from our magnanimous ally, the emperor of Russia; and, even should his ardour in the cause relax, the assistance we were to expect from the elector of Bavaria and the princes of the empire. The hopes of assistance from those powers have altogether failed. The third reason was, a treaty with the emperor of Germany, by which it was to be stipulated that neither Austria nor England were to lay down their arms but by mutual consent. Has any one heard of such a treaty having taken place? The fourth and principal reason was the repossession of Italy by the Emperor. The recent failure of his arms in that quarter shows how premature were the hopes founded on that circumstance. The fifth

* Mr. Fox. See vol. 34, p. 1353.

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reason was, the increased spirit of the royalists in France. It was said they were certain of finding allies in the discontents of the Jacobins; that they were to persevere till the family of Bourbon was reseated on the throne of France; and that the divided state of that country furnished a ground of hope, that we should see the object for which the war was commenced and carried on completely accomplished. Has not experience shown how fallacious such hopes were? The sixth and last ground was, the reduced and disorganized state of the French army. It was stated that such was the situation of the military power of France, that it was physically impossible for them to bring such a strength into the field as could produce success. How just such a conclusion was, the House, after the events of the present campaign, are enabled to determine.—Thus, Sir, I have stated the six grounds that induced the House, when the subject was last before it, to support ministers in refusing the moderate, respectful, and apparently sincere overture of Buonaparté.

Finding that every one of these grounds has failed, surely, I shall not be deemed unreasonable if I urge the House, before it consents to continue the war, to require at least six new reasons. I can fancy but one reason that can possibly induce ministers to continue the war with France. After having so unadvisedly committed themselves, they would naturally feel themselves in an awkward situation, if obliged to treat with the man who has been the object of their virulent abuse. But shall their feelings be a ground for deferring the day of negotiation? Their wounded pride may make them wish to continue a war, though they are forced to abandon the grounds and principles on which they have hitherto carried it on. Were I a political friend of theirs, I should say to them—"It is of much more consequence to stop the effusion of human blood, and heal the wounds of afflicted mankind, than to continue a war which desolates the earth, merely because your feelings would be hurt by entering upon a treaty for peace." But, Sir, ought the representatives of Great Britain to regard the feelings of ministers, when, they cannot be gratified without dooming to misery and death thousands of our own fellow-subjects? As to the character of Buonaparté, which forms so prominent an ingredient in the present argument, I would put it to the candour of ministers themselves, if they possess any, whether, since the period when they refused to negotiate with him, every action by which he has distinguished himself has not been eminently calculated to raise him in the good opinion of every man who judges without prejudice? That Buonaparté may justly be denominated an usurper, I admit; that he is a self-appointed dictator in France, I admit; but it must not be fogotten, that the situation of the country required the vigorous hand of such a dictator as he is. That Buonaparté possesses more power than is compatible with the liberties of France, I admit; but that he possesses more power than is necessary to protect the republic, and to enable it to resist those enemies that seek to destroy it, is what I will not admit. What has been the species of abuse with which his character has been attacked? Not merely that he is an hypocrite, that he is a man devoid of principle, that he is not only divested of morality but religion, professing whatever mode of faith best answers his purpose; his enemies have not been content with these topics of censure, but his military skill and reputation have been the subject of their attack. It has been said, that the sailors on board our vessels before Acre, laughed at his want of skill in war. But, Sir, we have seen religion obtain a tolerant exemption in her favour under the government of this atheist; we have seen the faith of treaties observed under the government of this perfidious adventurer: the arts and sciences find protection under the government of this plunderer; the sufferings of humanity have been alleviated under this ferocious usurper; the arms of France have been led to victory by this tyro in the art and practice of war! Sir, I look back with astonishment to the period when that great general was so vilely libelled. I was wont to expect more candour, more elevation of sentiment, in an English gentleman. But the war in which we are engaged has deadened every heroic feeling which once gave the tone to the martial spirit of this abused country. Unfortunately for us, the French general has fully proved his title to heroic honours. Never since the days of Hannibal have such splendid events opened on the world with such decisive consequences. "Cujus adolescentia ad scientiam rei militaris, non alienis præceptis, sed suis imperiis; non offensionibus belli, sed victoriis; non stipendiis, sed triumphis, est traducta." Such is the

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man who, even in his military character, we had been taught to consider with contempt! Such is the portrait of the man with whom ministers have refused to treat. Sir, I should not have mentioned this, if government had not made his character a main question as to the continuance of the war, and if ministers had not shown us that our hopes of peace must depend upon their ideas concerning it. I do say, that, considering the manner in which he has been treated by those ministers, he has acted with singular moderation, humanity, and magnanimity; and therefore we have the evidence of facts as to his principles, and that evidence removes the main ground of objection to treating with him. There are moments in which it may be necessary to do justice to the merits of an enemy, but it never can be necessary to speak of an enemy with rancour. I have stated, Sir, that Buonaparté possesses much more power than is compatible with the liberty of France; but having always held the opinion that France ought to enjoy her liberty, and being persuaded that the death of that liberty would be effected by the combined powers forcing a government upon the people, I cannot but hope the time will arrive when France will not only possess that portion of true liberty she ought to have, but that the government of this country will not consider its own security and the liberty of France inconsistent with each other. Sir, I may be censured for applying such a term as taste to a subject of such importance; but it does appear to me that the changes produced in the feelings of men with respect to their admiration of exalted or distinguished characters, in a great measure are to be attributed to the taste and fashion that prevail. These are not times in which kings have any reason to be proud of their wealth or superior power. The admiration of mankind is not confined to the characters of kings alone; the world has had a lesson of the effects of their ambition. Buonaparté has shown his country, that his object is to maintain the power he has attained by the moderation of his government; and I must hope, that when he has achieved the liberty of France, and his enemies have afforded him the opportunity of turning his attention to its internal regulations, he will, in giving it liberty, impart to it all the blessings and happiness of civilized peace. It must be in the recollection of the House, how much stress was laid on the conduct of this man with regard to the success of any negotiations for terminating the war. Has he not sufficiently developed his character, and given proofs of the security and permanence with which our government might conclude a treaty with him? I believe it will not be denied, that the general voice is for immediate peace, if possible; the necessity of peace is felt throughout the country. But I am sorry to say a degree of indolence and supineness pervades all ranks of the people, which is the worst symptom of the declining liberty of a country. There is scarcely a man whom you meet, who has known the extent of the calamities of the present war, yet in proportion to those calamities has been a supporter of government in carrying it on, who has not received the news of the victories over the Austrians, our allies, with a smile; they observe, that the victories of Buonaparté will lead to peace. Look to the universal sentiment those victories have produced in the city; the funds have risen in consequence of them; the people feel that it is to the defeat of our allies alone that they can look for an alleviation of their calamities. If the people have suffered by the continuation of the war, it is to themselves they must look as the cause of their sufferings. They feel the distresses of the war; they will not say, "We will have peace," but are content to receive it as a boon from the enemy, through the disgrace of our allies. I know the people have only to meet in a constitutional way, and express their determination to have peace, in order to obtain it: but no; they wait till they receive it by the defeat and loss of honour of those with whom we are allied in the prosecution of the war. It is this supineness that I consider as a symptom of the decay of the spirit which once characterised the country. There never was a period when there appeared so little public virtue, so little independence of mind, as at present; it is to rescue it from such apathy that I now move, "That this House be called over upon this day fortnight."

Mr. *Pitt* said:—Sir; having attentively listened to the observations made by the hon. gentleman, I think myself warranted in maintaining that the whole of his arguments applies to one or two propositions. His chief object is calculated to lead to an immediate peace with the French republic, or to induce the House to

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address his majesty no longer to place his confidence in his present ministers. As far as the call of the House goes, I shall content myself with observing, that it must in every possible view prove useless. It is evidently unnecessary, because if the question possesses strong claims to attention, its importance will produce the desired attendance. Most of the hon. gentleman's arguments are founded upon the recent news to which he has thought proper to allude, and which he undertakes to inform us is rendered so certain and authentic that it should, in his opinion, cause a complete change in the sentiments entertained by gentlemen during the whole of the session. I know not what to think of the hon. gentleman's idea of authenticity; but to draw any conclusion from the statements of the enemy alone, would be to decide without the common grounds necessary to form an opinion. On the imperfect and partial information of the enemy, the House is called upon to interpose its advice with the executive government. To propose this conduct to the House is to propose, that without knowing the extent of the advantages gained by the enemy, without ascertaining the sum of the losses sustained by our ally, without consulting that ally with respect to his present situation, and the extent of his future resources, we should at once come to a decision, where cool reflection and serious inquiry are most necessary. I trust the House will never adopt a conduct so degrading, so contrary to the dignified character which it has supported throughout the present arduous contest. We have extricated ourselves from perils more imminent than those upon which the motion is founded. We have triumphed in a crisis more alarming than the present; we have succeeded in rescuing our country from the ruin with which it was threatened, and afforded every chance of protection to Europe. When, therefore, we consider what we have done in times more pregnant with danger, shall we hesitate to declare that we will not shake the solid reputation we have acquired from our past exertions, by agreeing to a motion resting upon such feeble grounds? I believe the House will not hesitate to reject any measure of a similar tendency, and I am inclined to think that the hon. getleman's friends near him will join in the opposition.—The hon. gentleman has told us, that all our exertions have failed; and he has enumerated all those arguments which he supposes to have influenced us; but he has omitted the principal argument, and the very qualification upon which we all along stated the question of war. We did not rely upon the strength of Russia, the services of Bavaria, the sincerity of the emperor of Germany, and the increase of his forces; nor did we depend upon the exhausted state of the French finances; but we stated generally and clearly—"Is the situation of affairs such as to induce you to prefer peace to the continuance of war?" We stated this to the country at large—we exhibited a fair balance of the advantages and disadvantages of both, and drew our conclusion in conformity to statements which were undeniable. That there is a serious change in military affairs, it would be idle to deny; but does it follow from any recent vicissitude that what we concluded upon formerly was not right then? Did government promise that the Austrian army should be always victorious? Did it enter into a solemn engagement that no unexpected calamities should occur? Did it pledge itself that the talents of the imperial commanders should be equal to every exigence? To terms of such a nature it never gave its acquiescence. But did we not expressly say, that if the worst instead of the best consequences were to happen, we should not therefore be dejected, but exert our courage, talents, and resources, in proportion to the danger with which we might be threatened? If the accounts respecting the successes of the enemy were correct and in all their particulars, we should, even in that case, act more in favour of the enemy's views than in support of our own interest by agreeing to the motion.

Mr. *Jones* said, that if ever there was a period, or if ever there were circumstances, which rendered it important to take the constitutional sense of the people upon the situation of the country and of public affairs, this was the time, and the circumstances now existed. If this was not the place, was it in Downing-street? If this was not the time, was it when ministers should have been still more disappointed in their expectations? To peace he was a friend; and the arguments which had been used to set that blessing at a distance were, in his opinion, weak and absurd. His honourable friend had compared that great man the first consul to Hannibal. It might be supposed that

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Juvenal was prophetic of Buonaparté in what he had written concerning Hannibal. His words might be thus parodied:—

——— "Expende Buonaparté.
"Jam tenet Italiam; tamen ultrà pergere tendit:
"Actum, inquit, nihil est, nisi *Gallo* milite portas
"Frangimus, et mediâ vexillum pono *Viennâ*."

His character would not be found so much wanting, if weighed with that of others. But "nefanda est veritas" seemed the favourite sentiment of the day. A call of the House, under the alarming situation of public affairs, he could not but think necessary. The House divided:

Tellers.

YEAS { Mr. Sheridan - - - } 27.
{ Mr. Jones - - - - }

NOES { The Lord Hawkesbury } 124.
{ Mr. Charles Yorke - }

So it passed in the negative.

Debate on Lord Holland's Motion for an Address not to prorogue Parliament in the present awful Conjuncture.] July 9. The order of the day being read,

Lord *Holland* observed, that however widely he had differed from those who had, in the beginning of the present year, ransacked dictionaries to find out terms of reproach against the person who was at the head of affairs in France; yet, differing in opinion as he then did from his majesty's ministers, he could not with indifference behold one man, and that man one of the first military geniuses in the world, in the possession of greater power than any man ever possessed in Europe since the days of Charlemagne. He believed there was not a noble lord in that House, that there was not even one of his majesty's ministers, who did not repent of the answer which had been made to the overtures that had lately come from France. The conduct of ministers in rejecting those overtures was not nearly so censurable as the manner in which they were rejected. A most reproachful, galling, and irritating answer was sent, which could have no other effect, than that of promoting the views of Buonaparté. What end could it have answered to have desired Buonaparté to give up the power he had usurped, and restore the monarchy of France, the most inveterate enemy that ever Great Britain had? to restore that line of princes "who had maintained the country in peace at home and respectability abroad." Let noble lords only see how this respectability was maintained by the illustrious descendant of the House of Bourbon who now filled the throne of Spain, and by the king of Naples. But what were the consequences of this most injudicious answer? It enabled Buonaparté to raise an immense army, by which he had made himself master of the most important part of Italy, and completely destroyed the hopes of gaining a majority of the people of France to favour the views of the allies. When this subject was discussed on a former occasion, it was argued, that Buonaparté was not sincere. If ministers really thought at that time that he was insincere, was it not their duty to expose his insincerity to the whole world? And how was that to be done, but by listening to his overtures? Very different was this conduct from what had been pursued by ministers at the time of the negotiations at Lisle, after which his majesty declared he would be always ready to meet any disposition on the part of the enemy to negotiate at any future period. This opportunity presented itself, and was rejected with scorn. This conduct was only to be accounted for by the temper of those who were the advisers of his majesty, in whose character the most distinguished feature was that of being depressed at every reverse of good fortune, and elevated to an unwarrantable pitch at every circumstance that turned out favourably. In those men, however, who had acted thus rashly and injudiciously, parliament had placed a blind and stupid confidence, which he contended ought to be withdrawn. It was impossible that such men could ever negotiate for peace with an enemy whom they had irritated by the foulest abuse. It was time for parliament to place its confidence in other men. It was absolutely necessary, that, during the important events now transacting on the continent, parliament should continue sitting, in order to give such advice to his majesty, and make such inquiries, as the course of events should render necessary. He was aware that this would be objected to, on the ground of its interfering with the prerogative of the crown; but such interference was perfectly conformable to the practice of the constitution. It might also be objected to, on the ground of the personal inconvenience it would cause to many noble lords; but he was sure that every noble lord who should think a measure of this kind necessary, would cheerfully make those sacrifices which the interest of his

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country might call for. He thought it necessary that parliament should continue sitting, not only to be at its post during the present alarming crisis, but in order to inquire into the conduct of ministers, who had been unsuccessful in all their military operations. He did not find fault with ministers for not foreseeing the events of the campaign; but for having pretended to foresee that the campaign would be favourable. He should therefore move, "That an humble Address be presented to his majesty, humbly to implore his majesty not to prorogue Parliament in the present awful Conjuncture."

Lord *Grenville* said, that a considerable part of what the noble lord had urged with so much warmth, might readily be conceded; namely, that it was the province of parliament to watch over the conduct of ministers, and to offer such advice to his majesty as circumstances might call for, and even to address his majesty for their removal if they saw fit; but if the noble lord meant that it was the province of parliament to inspect, direct, and control the operations of war, he would not say merely that it was more advisable that the immediate servants of his majesty should undertake this with the responsibility attached to their situation; but he must assert, that it would be far better that any five men in either House should undertake this, than that such deliberations should be directly carried on in parliament. The noble lord had complained of the miserable system of confidence given to his majesty's ministers; but this was only equivalent to a wish that there might be a substitution of confidence by a change of administration; for it was evident that no executive government could exist without sharing in the confidence of parliament and the public. The ulterior object of the present motion appeared to be nothing else than that of effecting a change of administration; and what were the charges that had been adduced? Ministers had been equally criminated for the two extremes of obstinacy and of imbecility; but what was the fair inference to be drawn from accusations made of such an opposite nature, but that, steering clear of each of these extremes, the measures of administration were guided by wisdom and moderation? The noble lord had severely reflected on ministers for dissuading parliament from listening to the overtures of Buonaparté to open a negotiation for peace. The grounds on which that refusal was built, were recorded by their lordships. Here lord Grenville recapitulated the arguments used on that occasion, derived from the precarious nature of the new government of France to treat for, or to maintain a solid peace, &c. But the noble lord had adverted to the subsequent successes of Buonaparté, and to his continuance in power to the present period, and had argued a want of foresight in the executive government, in refusing to treat with that person. To this want of foresight he, for one, was ready to plead guilty. He had no hesitation to acknowledge, that he did not then foresee that Buonaparté, escaping as he had done from Egypt, would arrive at such a critical period in Paris, when the power of the Directory was on the wane, and that he would easily succeed in erecting his military despotism on the ruins thereof. He did not then foresee the subsequent events which had taken place in Italy; nor could it well have been apprehended, that the Austrian arms, guided by a military commander of great skill and experience, and in possession of so many strong places, would have suffered such a reverse of fortune.—The noble lord had likewise assumed, as the ground of his crimination of ministers, two things, which he must take the liberty to deny; the one was, that the answer given to the overtures of Buonaparté was of an insulting nature; the other, that the acceptance of these overtures would have led to a secure peace. He would tell the noble lord, that, with all the advantage he had derived from the knowledge and experience of subsequent events, no other answer was proper to be given. His lordship, adverting to the reverses of the Austrians, said, he must disclaim all responsibility for the conduct of foreign powers. At present we were not possessed of documents by which to form an accurate judgment of the sentiments of Austria. The late events in Italy had not been officially communicated; but if it were fair to form a judgment from the statement given by the enemy's general, Berthier, concerning the hard-fought battle of Marengo, during many hours of obstinate contest, the victory hung in suspense. The result, it was true, proved unfavourable to our allies; but had it proved otherwise, little short of the total ruin of the French army must have ensued. Was it fit then, under all the circumstances, that the session of parliament should be

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declared permanent; that that House should take the business of the executive government out of its hands; or that, from the momentary advantage which the enemy had obtained—not over this country, but over the arms of its allies—the spirit of the country should be depressed, its efforts paralized, the line of conduct which it had hitherto pursued altered, or the engagements which it had formed with its allies broken? He could not admit, for a moment, that the House would adopt so monstrous a proposition.

The House divided: Contents, 2; Not Contents, 26.

Debate on Mr. Western's Motion for a Committee on the State of the Nation.] July 9. Mr. *Western* said:—Sir; pursuant to the notice I gave last week, I now rise to submit a motion to the House upon the important subject of the war in which we are engaged. Considering attentively the eventful changes which have taken place in Europe since the commencement of this year; seeing that, even at this early period, those hopes we had vainly entertained of a brilliant and successful campaign have in effect completely vanished; feeling, as I do, that this House is deeply responsible to the nation for having supported ministers in their rejection of overtures of peace in January last, upon grounds which have now proved utterly fallacious. I have upon the whole determined, that the measure most expedient to offer to the adoption of the House is, that this House should resolve itself into a committee of the whole House to take into consideration the state of the nation. In proposing this motion, I am actuated by a firm conviction, that we ought to take into our deliberate consideration those important events which have transpired since the commencement of the present session. Since we gave our sanction to ministers in rejecting the overtures of the French republic in January last, the political state of Europe is entirely changed; every reason that was then urged by ministers to induce us to sanction their measures, now ceases to exist; every prospect they held out to us is reversed; every prediction they made has totally failed; and we now see, that the advantages we did possess have been sacrificed either to their pride and rashness, or to their miserable want of sagacity and prudence. Under such circumstances, is it not the indispensable duty of parliament to consider how far it is wise or practicable farther to pursue the same line of policy we have approved? Is it not our duty especially to consider how far we can be justified in continuing that confidence in the king's ministers which we have hitherto so abundantly given them? In all times of difficulty and danger, the nation must look up to the opinion of its representatives, and rely for protection upon their energy and wisdom: it is in such cases one of the most important functions of parliament to advise the executive, and, when necessary, to interfere and stop the progress of a weak or wicked administration. Such I conceive to be our immediate duty at this moment.

If, Sir, it is an objection to the motion, that it argues a want of confidence in ministers, and disapprobation of their measures, to that objection I plead guilty. I will only go back to the commencement of this year to justify my want of confidence in them. I contend there is, within that short period, the strongest grounds to prove their want of sagacity, wisdom, and prudence. The commencement of the present year produced a new æra of the war: a new government had been formed in France, which assumed a tone of moderation very different from that which characterised any that had prevailed since the Revolution. This new government sent overtures of peace to this country, in a way that carried every apparent mark of sincerity: such a circumstance gave us a most valuable opportunity of treating with honour at least, and I believe of concluding a peace to greater advantage than we shall have any chance of doing again. The memorable answer to those overtures is strongly impressed upon every man's mind. Upon no terms whatever would ministers condescend to treat for peace, or hear the proposals which this new government of France was desirous to offer. I hope to hear from the chancellor of the exchequer whether he adheres to this determination.—Now, Sir, I will shortly examine the different circumstances which were urged by ministers to induce the House to approve their measures, and consider whether they have answered in any one point. In the first place, much was said in regard to the character of the chief consul, upon whom no reliance could be placed for the maintenance of any engagement that should be entered into on his part. Then was stated generally the probable instability

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of the government, and great hopes were entertained of its overthrow, founded upon the supposed increasing strength of the royalist party. But, above all, the greatest expectations were formed from the emperor of Russia. Finally, the exertions of the house of Austria would exceed infinitely those of any former campaign. From all these circumstances combined, hopes of the most brilliant successes were entertained, such as placed beyond all doubt the expediency of farther prosecuting the war. Good God, Sir, how completely have all these hopes and expectations vanished! I shall make but few observations upon the miserable invectives against the character of the chief consul. I feel little inclined to enter into any discussion of the character of general Buonaparté; but I will assert, that since his possession of the chief magistracy of France, he has evinced ability and conduct that create the admiration of the world. In regard to this new government, within the short period of six or eight months it has given proofs, not only of stability, but it possesses a species of vigour, activity, and energy, not to be equalled by any other of the powers of Europe. The royalist party, by the effect of conciliation and treaty, followed by the most vigorous measures, was soon annihilated. The emperor of Russia very soon seceded from the coalition. The emperor of Germany is totally defeated, and is about to accept peace upon such terms as the chief consul is willing to give. In addition to these circumstances, we have reason to expect the formation of an armed neutrality amongst the northern powers; and it is not an immaterial consideration, that the French, who had agreed to evacuate Egypt, by our folly and injustice, are, perhaps, more firmly established there than ever—the Porte, also, our good ally, is by no means delighted with our conduct upon that occasion.

What, then, remains of all the hopes and prospects which ministers presented to our view? Every expectation has been reversed, every prediction has failed, every advantage we did possess at the beginning of the year is actually lost. Can the House do otherwise than doubt the wisdom and sagacity of ministers, and consequently the safety of the country under their direction? It is our duty to take into our immediate consideration the critical situation of the kingdom. It is our duty to consider how far we can be justified in continuing that confidence in ministers which we have hitherto so abundantly given them.

I stated, Sir, in a former part of my speech, that an objection might be urged against going into a committee of Inquiry founded upon a notion that it would infer a desponding idea of the situation of the country; it is not my intention to convey such an idea, and my motion, if adopted, would not have that effect, but I wish to convey strongly to the conviction of every man's mind, that our situation is critical, and that our safety depends upon the measures we shall pursue. If we determine obstinately to follow the same system we have done, there is considerable ground of serious apprehension and alarm. It is impossible not to take into our contemplation the great probability that exists of peace being immediately concluded between Austria and France. Suppose, then, the government of this country determines to persist in the same spirit of inveterate hostility which has so strongly marked its conduct hitherto; suppose France completely disengaged from all continental war, and directing her whole force against this country; under such circumstances, I should not consider our situation by any means secure. No man entertains a more exalted opinion of our naval superiority than I do; but we cannot command the elements; and France has been enabled, in more instances than one, to threaten and even invade our shores. I repeat then, that if disengaged from all continental war, I see no reason why, by repeated efforts, and the sacrifice of some men, she may not land considerable forces in our sister kingdom. What the event would be, if the victorious legions of the chief consul should obtain a footing in that country, I will not anticipate; but I believe there are not two opinions as to the extreme distress it must inevitably occasion; nor do I see what should prevent France from making the attempt. It must, I think, be admitted, that his majesty's ministers have done every thing in their power to goad and irritate them to desperate and irreconcileable hostility against this country.

In regard to our internal situation, no man can contemplate the enormity of our public debt, and the immense revenue we are obliged to raise, without feeling considerable alarm, and wishing for a reduction of that unbounded expense which a

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continuance of the war must still induce. The people of England ardently desire the restoration of peace, and the people of every nation in Europe, join in the same anxious wish. The people of England hail the prospect with joy and satisfaction, even through the defeat of our allies; and our public funds absolutely rise in proportion to their disasters, in the expectation that we may be compelled to make peace. Ought we, then, a moment longer to support ministers in this arduous and unavailing contest. My opinion is, that measures should be taken for the immediate restoration of peace; and I see no objection to overtures being instantly made on the part of this country. In 1797, when Buonaparté had conquered Italy, and when preliminaries of peace were signed between Austria and France, exactly conformable to the convention entered into after the battle of Marengo between the chief consul and general Melas, his majesty's ministers renewed their overtures to the French Directory, and stated specifically as their reason, the termination of hostilities upon the continent. Now, Sir, I see no difference between the cases of that period and the present, except what, under judicious management, might turn out in favour of a proceeding, in substance similar, at the present moment. We might perhaps be in time to negotiate jointly with our allies; whereas, in 1797, we were left to continue the contest alone, or make the best terms we could, under the peculiar circumstance of being abandoned by every principal power in Europe. I think it incumbent upon this House to take into its deliberate consideration the critical state of the nation, and with that view to resolve itself into a committee of the whole House: we shall then have an opportunity of inquiring upon what grounds ministers thought proper to reject the overtures of peace made by the enemy in January last; what future hopes we can entertain in the further prosecution of the war; whether any expectations can be formed of any efficient alliance with the continental powers; and whether there is not, on the contrary, reason to dread, that in the north of Europe an armed neutrality is forming, with hostile views against us; we shall then have an opportunity also of examining with more accuracy the internal situation and resources of the country. I therefore move, "That this House will resolve itself into a Committee of the whole House, to take into consideration the State of the Nation."

Mr. *Wilberforce* said, he could not but consider the real object of the motion to be the subversion of all the plans which ministers had hitherto adopted, and the House sanctioned. The critical situation of the country was not of itself a sufficient ground for the motion. The country might be in a critical situation, and yet it might not be the province of that House to dictate the measures to be pursued. Because the hon. gentleman had withdrawn his confidence from ministers, it was presuming a little too much to say that the House had done so too. It was incumbent on him to prove, that confidence ought to be withdrawn from ministers, and that they had justly forfeited it. He perhaps carried his sentiments upon this point a little farther than some other gentlemen; not from his attachment to the present administration, but from a conviction that the House, (being necessarily unacquainted with plans formed and entered upon, with treaties projected but not concluded, and other matters of a similar nature, must be unqualified for interfering with the peculiar functions of the executive government. There were many cases in which such interference must be injurious; and, in the present instance, it must be highly so. This he would endeavour to prove on either of the three suppositions,—that the war was to be continued; that negotiations were to be entered upon; and even that peace was to be concluded. Consider what would be the effect of adopting the measure proposed, if the war was to be carried on. If the House entered into this committee the first resolution that would be proposed to it would be, to instruct ministers to negotiate for peace. But for the House to give such advice, would be at once to show, that it had withdrawn all confidence from ministers, and would thus be most prejudicial to this country, both as it would affect our allies or our enemies. And, first, what would be its effect upon our allies? It had long been the boast of this country, that it had maintained a scrupulous delicacy in adhering to its engagements. But if we were at once to advise negotiation, we should be departing from those principles which had hitherto regulated our conduct, and without knowing what were the designs of our allies, or their means of fulfilling their engagements to us. Ministers them-

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selves had yet received no documents by which they could ascertain these points; and should the House, who had still less means, prescribe what that conduct was to be? Still worse would be the effect of this measure if the war was to be continued, in increasing the triumph of our enemies, as it entitled them to call us a nation, subdued, humiliated, and at their mercy. But supposing negotiation should be commenced, it would be prejudicial to our negotiating with advantage, for the enemy to see that we had been so dispirited by the reverses of our allies, as at once to be induced to desert them, and humbly to sue to them as the lords of the ascendant. He knew that there was danger to be apprehended from France in war, and perhaps still greater in peace; but he could not perceive how that danger was so increased as to authorize the measure proposed. If negotiation was proper, what reason had been adduced to show that ministers would not see and act upon that propriety? If Buonaparté had acted well since he came into power, what reason had the House to say, that ministers would not in regulating their conduct, take this into consideration? He trusted that ministers would not make any of the declarations which the hon. gentleman called on them to make; and that the House would not urge them to make peace; until it could be done with safety.

Mr. *W. Smith* contended, that in the present state of this country and of Europe, sufficient motives might be found for supporting the motion. His hon. friend said, that if the House went into the committee proposed, they must come to a resolution to instruct ministers to make peace. This was by no means a necessary consequence of going into a committee. If the House were that night to form itself into the committee, it might adjourn till accounts were received of the disposition of our allies. He allowed, that want of success alone would not justify the withdrawing of confidence from ministers; but if that want of success arose from causes which naturally produced it, and if those causes continued to operate, then that confidence ought no longer to be granted. There were several grounds upon which he would try the pretensions of ministers to the confidence of the country. Had they displayed a capacity to appreciate men's characters? What was to be inferred from their conduct to the king of Prussia in the beginning of the war? They continued to subsidize him notwithstanding the assurances given them, that he only waited a favourable opportunity for deserting our alliance. With regard to the emperor of Russia, they declared him to be our most magnanimous and disinterested ally. Had they, by saying so, displayed any knowledge of his character? He had not only deserted the alliance, but, as was alleged, on the very account we had some difference with him as to his interest in keeping possession of Malta, should we obtain possession of that trifling island. If this were true, surely it was not very consistent with the pretended disinterestedness of his character. Farther, what sagacity in reading men's characters had ministers displayed in the estimate they had made of those of our enemies? He would say nothing of the character of Buonaparté, but would leave it to stand or fall upon its merits. It was not, however, too much to say that ministers would willingly retract the violent invectives they had so liberally lavished upon it. A second ground of confidence in ministers, and a second criterion by which their claims on the confidence of the country ought to be estimated was, their skill in predicting events. In the course of the present session, 550,000*l.* had been voted in subsidies to the elector of Bavaria, a prince whom every person, even of common information and discernment, saw only waiting to join the strongest party, and who had given no assistance in return for our money. Had ministers been right in any prediction they had made of any event which had taken place over all Europe? Had they taken advantage of any great political conjuncture? They had never negotiated, except when they were driven to it. When they could have negotiated on favourable terms, they rejected all overtures. Another point in which ministers had forfeited the confidence of the country was, in not taking advantage of the immense means that had been at their disposal. The votes for the navy and army for the two last years were 24 millions; and with this nothing had been done but defending the country, and carrying on the Dutch expedition. For these reasons he thought the House justified in withdrawing their confidence from ministers. But what would be the effect of this? It might be answered, the appointment of others in their room. He would ask, if they were the only or best

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men in the world for carrying on the war? The manner in which they had hitherto conducted it, argued little in their favour. If they were not the best men for carrying on the war, he might next ask, if they were not the worst possible for making peace? They had argued all along, that we ought not to make peace with France under her present government, unless we were reduced to the last extremity. Were the present ministers, then, to negotiate with France; it would be publishing to the enemy that we were reduced to the last extremity. The most unequivocal desire of peace prevailed among every class of men. Among monied men particularly, the symptoms of this desire were discoverable. The precedent of the American war appeared to him to be in point to our present situation. He was aware that, "Facies non omnibus una, nec diversa tamen;" but he was afraid, that if we persisted, the issue of that war would be only a sample of what would be the termination of this.

Mr. *Windham* observed, that however improper he might consider this motion at the present time, or in the present circumstances, a time might come, and circumstances might exist, when such a discussion would become necessary; and were he then to enter into that discussion, he would turn his attention to one side of the question which gentlemen seemed entirely to have forgotten. There were dangers in peace as well as in war; and though the country could never be in both at the same time, in discussing the question of peace or war, it was necessary to consider and estimate the dangers of both. This country was now in a state of war; consequently, at present, we only felt the calamities of war, and the dangers of peace were overlooked. But there must be dangers in peace, or else war would never be necessary, and no nation could ever be justified in running into it. Therefore, in discussing the question of peace or war, whether it was, that the nation being at peace, it was proposed to enter into war, or that, the nation being engaged in war, it was proposed to make peace, it was necessary that the dangers of peace in the one case should be enforced, for this could be the sole justification of going to war—and in the other, duly considered, that the country might not be involved in greater danger than that in which it was placed in the state of war. For his own part, however sanguine his hopes, and however earnest his wishes had been at times during this war for peace, yet he had never considered it as remarkably desirable, without the restoration of such a government in France as he had often expressed his wish to see established in that country; because, without this, he feared that any peace would be insecure and dangerous. The only ground that had been stated against this, was general declamation on the superior advantages of peace; that it was the least of two evils, and on the principle of *pax potior bello*. Were he, then, to discuss the question, his attention would be directed as well to the dangers of peace as the evils of war, that the statement might be fair, and full grounds given upon which to decide. But he would not at present go into this point. The question of peace or war was properly the business and the function of the executive government; at the same time, the right of the House to examine into the conduct of the executive government, to superintend its measures, and to give its advice, no person would or could dispute. But there was a fair question for discussion in the House, before it consented so to interfere; whether or not its interference was expedient, proper, and justifiable? If the existence of an important crisis alone were a sufficient reason for this interference, and for adopting measures of the kind now proposed, the House might be in a perpetual committee; not a battle fought, nor a treaty concluded, nor the desertion of an ally, but might be made the ground of a motion for the House resolving into a committee on the state of the nation. It might be continually giving its advice to the executive, and, in short, the government would be in a constant commission. To justify such a motion, not only must such a crisis exist, but some probable ground must be given for inferring that the government would not act wisely; and this could only be done by proving that there had been a delinquency in its previous conduct. But even this would not be sufficient to authorize such an interference as that now proposed, because, as the removal of ministers would follow its adoption, it must be proved, that the delinquency was so great as to require their removal, and that the crisis is so urgent as to require the interference of the House to effect this removal more speedily than the change could be effected in the usual way.—The hon. gentleman

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had stated some grounds, on which he argued, that confidence ought to be withdrawn from ministers: First, that they had judged ill of persons, both allies and enemies. Secondly, that they had predicted falsely of events. Thirdly, that they had failed in taking advantage of important conjunctures, and of making the most of the means in their power. These points he would review, and lightly touch upon. Upon their judging ill of persons, the hon. gentleman instanced first the king of Prussia; but he must premise, that except frequent instances were given, nothing ought to be deduced from a single disappointment. It was said, that we subsidized him, and that he deserted us. True, we did subsidize him; but did we not receive at the time full compensation for that subsidy? We had subsidized Austria too. But had it not happened, that with the allies which we had had, and the subsidies we had given to them, though some of them, as in the nature of all human things might be expected, had proved more faithful than others; though some of them had, from time to time, deserted us, and others wavered, we had been enabled to weather every storm that had threatened our existence? Gentlemen talked loudly and insisted largely on their subsidies. They were continually talking of their money given. He thought that they might find some other more worthy subjects to dwell upon, in the exertions and in the spirit of the country, than its money. But had they not had their money's worth of assistance? Had not what money we had advanced to Austria been fully repaid by Austria? Gentlemen argued, that many plans had failed, that success had not been proportionate to what was predicted; but success was never absolutely promised, and it never could be; for failure was incidental to all human projects or designs: if the successes of our allies had not been so great as they might possibly have been, no argument of any weight could be deduced from this; and it ought to be recollected, that the assistance of these very allies, Austria and Prussia, had saved us from great evils and dangers. The emperor of Russia was adduced as another instance of the incapacity of ministers to judge of characters, and a circumstance was stated relative to Malta, as if his being thwarted in obtaining possession of that island was the cause of his defection. The hon. gentleman was most completely mistaken in this point; and this circumstance showed how little even the best informed people might be acquainted with the private transactions and connexions of the executive government, and also how cautious the House ought to be, of listening to or depending upon such statements; for if they did, it proved that very frequently they must fall into complete error. The next instance given was that of Bavaria. Had the hon. gentleman read the last dispatches from Germany? if he had, had he not perceived that the Bavarian troops might have been the means of gaining a battle? And the importance of gaining a battle, was evinced by every part of the argument of the other side, which all rested upon the adverse event of a battle in Italy. With respect to Russia, surely we had received the full compensation of any subsidy we might have given to her. Only look at the last campaign; it presented to our view Italy delivered and rescued from the power and possession of the enemy, principally by the arms and exertions of Russia. What is it that makes us so much lament the loss of the co-operation of Russia, but the recollection of the important services which she performed when she did co-operate with us? The hon. gentleman says, that ministers have not judged better of their enemies than their allies; and here he comes to the theme of so many praises, the object of so much admiration, the first consul; and with regard to him, he asks, if every person must not be convinced that ministers sincerely repent the abuse and invectives which they formerly lavished upon him? But I know of no invective of which I should repent. I say no other language was ever used but the serious and dignified language which honest and honourable men would use in speaking of his conduct. And how have subsequent events contradicted this language? It was said, that he was loaded with hard names. I always have understood, by hard names, some vague and indefinite terms common to all languages, which express only something indefinite and vague in the mind of the person who applies them; but have never heard any such names given to this first consul. It is also said, that we have loaded him with abuse. If by this is meant the low language sometimes used by the vulgar, I have heard no such language used in speaking of the first consul. But if gentlemen mean those epithets applied to his conduct, and those

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terms which are necessary to express the fact, then I allow that such language has been used, and I neither repent nor will retract it. If I did, I should fall into the same error with the man who, having lost a pair of silk stockings, and wishing to advertise them, thought that he would be likely to recover them at less expense by advertising them as worsted. I despise, and cannot describe such things in the silken language, when the plain worsted only can positively describe it. I reprobate such fastidious, womanish, affected delicacy, as if a man could not "mention hell to ears polite." Am I speaking of a man who has desolated Europe; who has excited the indignation of every virtuous mind by his crimes; who has pillaged and plundered Italy; and must I affect not to speak of his crimes, his outrageous violence, of his former conduct in Italy as pillage and robbery? Would gentlemen have me to be afraid of distinguishing the conduct of Buonaparté by the terms in which alone it can be described; like Scrub in the comedy, who, thinking there were thieves in the house, begins by calling them the thieves that were in the house; but afterwards under the impression of terror, corrects himself, by calling them the honest gentlemen who are robbing the house. I must allow that this man has great talent, of some kind or other; he has proved this, to our misfortune. I say of some sort or another, because his military talents cannot be denied. But at the same time it must be remembered, that military successes must be judged with some reserve, as they frequently are as much attributable to fortune as to talents. Besides, I must declare it to be my opinion that the campaign of Suwarrow in Italy may well be compared to any of the campaigns, even this so celebrated one, of the first consul. I must however allow, that there is enough formidable in this man to give alarm to Europe. The moderation and magnanimity of his measures since he came into power have been much insisted on. The motives of his conduct are in his own mind, and I never will deny that he knows the way to his own ends. This it is that renders him so formidable. But gentlemen who are so indignant at the invectives pronounced on their favourite, the first consul, and the enemy of this country, it will be recollected are not themselves so very mealy mouthed when they choose to censure the closest allies of this country. When they speak of Prussia, of Austria, and of Russia, they themselves do not spare abuse, nor do they show much tenderness when they speak of gentlemen who stand in the situation in which I stand.—Among other arguments, gentlemen had contended, that it was impossible that the present ministers could make a peace with the French republic; undoubtedly, in other words, that they could not enter into a system of fraternization with the present rulers of that country; and it was inferred from thence, that the peace must be disadvantageous, because administration would not look to it as an object which was desirable for the country, but merely as the lesser of two evils. The extent to which gentlemen pushed their arguments upon this subject was rather extraordinary: did they think, that in negotiating for a peace all ideas of precaution were to be laid aside, and that government were to confine their views merely to a termination of the war, without any consideration of the permanency of the peace, or the security which it procured? Did they consider a treaty of peace with France as a treaty of marriage, in which one party could not doubt the sincere affection or the honourable intention of the other—in which the parties were to be indissolubly united in an identity of interest, and a unity of object—in which England was not only to give its hand but its heart? But, if for the reasons which had been urged, the present ministers were not capable of making a peace, surely it became a matter of serious consideration, whether it would be more advantageous for the country that those persons should negotiate, who would at once, without precaution or security, jump into the arms of France, and consider it as criminal to haggle about terms with the dear French republic! In the course of their arguments, gentlemen had had recourse to one consideration which they very seldom omitted, namely the sense of the people; and they had referred to the funds as a criterion of public opinion. The hon. gentleman who used that argument had made an admission, for which he thanked him; for he confessed that the funds would rise upon the prospect of a peace, even though that peace might be founded on terms disadvantageous to the country. If that were true, then they could not be considered as affording good grounds by which to judge of the real interests of the

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country. If, indeed, the hon. gentleman's arguments on this part of the subject were founded, then there would be reason to despond—then there would be some reason for the calumny which the enemy had insolently thrown out against this country, that we were a nation of shopkeepers, and that we would at any time sell our most valuable interests for a profit of two per cent. It was not by acting upon such narrow principles as these that the French had risen to their present power, and had become an object of so much terror to the gentlemen on the other side of the House. Those gentlemen weighed the conduct of the two countries by very unequal measures. They contended for the greatness of Buonaparté and of the French nation: but if they were great, it was not by the adoption of such conduct as that which was now recommended, that they had become so. If they were in that situation which had been represented, it was because they were not driven into despondency by every reverse of fortune, nor gave up great designs because, in some instances, their efforts were unsuccessful. Gentlemen had talked of the commerce of the country: but did they suppose that the commerce was created by the present military and naval exertions of the country, or that it could exist without them? Most undoubtedly if our commerce was not protected by our power, it would become an easy prey to our rivals. An hon. gentleman had, rather unfortunately for his argument, asked how king William preserved the confederacy of which he was the head? He would tell the hon. gentleman: it was by adhering strictly to his engagements; it was, by not suffering himself to be driven from his purposes by the mere rumour of a defeat. But now gentlemen were at once for going into a committee, without knowing the circumstances of that defeat about which they were so much alarmed, and without knowing any thing about the disposition or the resources of that ally which we were going to abandon. Gentlemen had always spoken of our allies as if they had been of no assistance to this country; but there was no man who considered the subject fairly, who would not admit, that the advantages we had received from our allies were great, even though in every instance they might not fully answer our expectations. There was, however, upon this, as well as upon many other parts of this subject, something very singular in the mode of reasoning adopted by the gentlemen opposite; for in the first place they had endeavoured to demonstrate the absurdity of attempting to keep any great confederacy together and immediately after they considered the defection of some of our allies as a matter of charge against his majesty's ministers. Another accusation which had been made was, that ministers had been mistaken in their predictions; now, in the first place, he did not recollect that any predictions had been made. His majesty's ministers had stated that which was obvious to all the world, namely, that they were going to enter into a most arduous and doubtful conflict: but that they were about to enter into it with every advantage, from the number and discipline of the troops of our allies and the skill of the generals by whom they were commanded. Now, in such a contest one party must fail; just as when two men rode upon a horse, one must ride behind; but no predictions were made, though great expectations might have been formed, from the advantages we possessed. Gentlemen, however, judging by the event, now contended that the Austrians must have been defeated; but he did not recollect, that before the event they hazarded any prediction of that kind; they had, indeed, declared generally against the war, and now laid hold of these reverses, which they had not foreseen to prove the wisdom of their observations. His majesty's ministers knew, as well as the gentlemen opposite, that such a contest could not be conducted without danger; but the question was, whether they had not taken every means which human prudence could suggest to prevent it? Allusions had been made upon this occasion, as well as upon many others, to the negotiations at Paris and at Lisle. His opinion respecting them could have but little weight in the councils of the country; but surely those very negotiations were a proof that ministers were willing to enter into a negotiation whenever they saw there was the least probability of effecting an honourable peace and, showed that ministers did not think that any such opportunity now presented, or they would not have neglected it. He would, however, state, with respect to those negotiations, that if ever, during the progress of the present war, this country was really in danger, it was at the period when they

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were carrying on; it was, that the enemy would have acceded to the terms which we then proposed. He was firmly of opinion that if we had made peace at that time, with the general despondency which then prevailed, but which subsequent events had fortunately dissipated, they would not now be sitting to discuss the state of the nation. Gentlemen recommended ministers to enter into a negotiation for peace, with a confession that they were unable to carry on the war; but surely every rational man must admit, that a peace concluded under such circumstances must destroy the interests and dignity of the country. The present war had—upon this and upon former occasions, been compared with the American war; but he did not see how two wars could be well compared together, or how gentlemen could argue from the past events of one, to the probable events of another. The hon. gentleman had stated, that the present war, like that with America, was founded in delusion, had been conducted without ability, and would end in defeat. There was, however, one point in which the two wars were similar; and that was, that they both were civil wars, in which men for the first time learnt to wish well to the enemies of their country. He was ready to confess, that he was a well-wisher to the Americans. They had been our fellow subjects; they were, he might almost say, our countrymen; their object was not the complete destruction of this country. He confessed that during the American war, he thought the success of the Americans essential to the interests of this country; and he begged leave to ask the gentlemen on the other side, if they now entertained the same sentiments with respect to the French? Upon the whole, the question for the consideration of the House was, whether there had been laid before them sufficient grounds to induce them to go into the committee. It appeared to him, that no sufficient ground had been laid down for the interference proposed, and therefore he should give the motion his most decided negative.

Mr. *Nicholls* said, that if the doctrine which had been laid down during this debate, of the necessity of continuing the war till the old government of France was restored, was not contradicted, the public would know that they were engaged in a *bellum internecinum*, and that for an object in which their interests were not concerned. He looked upon the establishment of the old government as an unattainable object: he believed it was the only thing which Buonaparté could not do. The character of this country had suffered by its inflexible perseverance in the present war; even our allies had said, that the English had covered Germany with blood and gold. He trusted, we should now seriously endeavour to obtain a general peace.

Mr. *I. H. Browne* said, he never would allow this to be stiled an unnecessary or unsuccessful war, without entering his protest against both these opinions. The glory of this country was never raised so high as it had been during the whole course of this war. An honourable and lasting peace must be the wish of every man; but a vote of this House to force ministers to make peace, would be laying ourselves at the feet of the enemy.

Mr. *Buxton* opposed the motion, because no satisfactory ground had been stated in favour of it. Ministers must be anxious to obtain a peace, if it could be done on terms consistent with the honour and safety of the nation; and he trusted there was not an Englishman who would not rather die in the last ditch defending his country, than submit to any other terms.

Sir *F. Burdett Jones*, in supporting the motion, took a hasty view of the conduct of administration with respect to Ireland, the state prisoners, and the general plan of the war. The enormities and cruelties committed in the sister kingdom, he said, exceeded any thing done by Nero or Caligula; and the hardships to which the state prisoners had been subjected, were, in many instances, unexampled. If the House would consider what had been the fate of the successive expeditions undertaken against the enemy, strong ground would be furnished for agreeing to the motion. All the expeditions, from that to Quiberon down to the one to the coast of Holland, had failed. These were matters for a committee.

Mr. *Elliston* could not support the motion. It appeared to him, that gentlemen were willing to give up the country to the enemy, and abet and support treason. He voted in the pure spirit of independence, but could not help thinking that many of those who supported the motion spoke the language of party.

Mr. *Hobhouse* said:—The hon. mover of the present question has confined his ob-

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servations to the unhappy war in which we are engaged. I shall imitate his conduct. Is it not of the utmost consequence to ascertain the object for which this disastrous war is continued? The chancellor of the exchequer, whenever that question has been put to him, has always answered, "It is for security we fight, and for that alone." Although such a reply may satisfy some gentlemen, it will not content me. Security is a loose word, unless we be informed in what that security consists. No longer the constitution of 1789; no longer the constitution of 1795; but the *ancien regime* of France, with the sceptre in the hands of a Bourbon, is our favourite object. To replace that line of princes on the throne of France, and to invest them with the same despotic powers enjoyed by their ancestors, is the avowed object of our preference. Is it not made the *sine qua non* of immediate negotiation; and is not this condition alone pointed out as capable of removing all obstacles to negotiation? If, then, ministers have never seemed to be long agreed upon that form of French government which would place the English nation in a state of safety, but have professed attachment to constitutions so very different from each other, is it not of the highest moment, to enter upon an investigation of the actual object for which the country is condemned still to suffer the calamities of war? Should it appear that there is no other motive for the prosecution of the contest, than a desire to repress the grasping ambition of France, and reduce her power within certain limits, then a question will arise, which it may be difficult for ministers to answer, namely, why they rejected, within the space of a few weeks, two successive overtures of pacification which seem to have been made in the very spirit of conciliation; for how could they know that Buonaparté, had they heard his terms, would not have offered such as were not incompatible with the security of the other European nations? Or, should it appear that we are at war merely to check the prevalence of opinions which are deemed hostile to religion and virtue, and subversive of social order, then it will be proper to inquire how far force is likely to succeed against principles, and whether violence have not a tendency to accelerate rather than impede the progress of those tenets which we hold in detestation. But should it be made manifest, that the old regal tyranny of France, in the race of the Bourbons, is the real ground for continuing the war, then it may be asked, whether we have not as much to dread from the ambition of the Bourbons as from the love of dominion in Buonaparté? whether they and the other princes of Europe have not been guilty of fraternization, and of exciting the people of a country against their rulers, as much as Buonaparté and the various governments of France since the revolution? and whether they be not as little to be depended upon for the observance of their engagements as the "faithless and perfidious monster, Buonaparté?" It is also, Sir, indispensable to examine our means of prosecuting the war, and for this purpose to compare our past and present situation. Other highly important considerations might be submitted to such a committee as is the object of my hon. friend's motion. Might it not be inquired, whether we had not embroiled ourselves too much in affairs of the continent? Will it not be right also to discuss the propriety of subsidizing foreign princes to fight battles in which they are infinitely more interested than ourselves? The inquiries which I have proposed, are of primary importance, and demand, in my judgment, the attention of a committee of the whole House

Mr. *Sheridan*, after taking a rapid view of the present state of the country, and of the recent successes of the French, said:—We are told that the motion of my hon. friend is unadvised and premature. All that we ask is, to go into the inquiry. My hon. friend has called on the House to pause, to look at the state of the country, and adopt proper measures to avert the common danger. What we wish is, to show that the reign of blind, servile, and corrupt influence is over; that new vigour has been infused into the constitution; and I am far from thinking that the inquiry we propose would discourage our allies. The enemy also would see in such a measure something to cause hesitation. For, could Buonaparté, addressing his soldiers on the eve of an invasion of this country, use any topic with better effect, than that the same ministers now ruled who began and conducted the war. The people of England, indeed, must wish that the men who have brought the country to the brink of ruin may not always guide her affairs. Thus much, then, as to the

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effect which the motion, if carried, would have on the spirit of the country. Do we hear that the funds have risen; the prospect of peace is the cause. With regard to the observations of an hon. member (Mr. Wilberforce), that ministers would proceed with the work of peace whenever circumstances would allow, he could only refer to the transactions of 1795, when the hon. member, by an amendment to a motion then made for peace, actually pledged the minister to negotiate. We have heard from the same gentleman of the wisdom and integrity of administration. But whatever was the wisdom and integrity of the ministers then, they appear to be much reduced in their stock of both at this moment. We were told, that in 1797, however, they attempted a sincere negotiation. This phrase was merely a trap, and several have been caught in it. War went on. No sincere efforts were made to stop its progress. A loss of 150,000 lives, and about two hundred millions sterling, are the effects of the obstinacy of ministers on that occasion. The objects of the war have been various. The last we heard avowed, was the restoration of the Bourbons. In 1797, we heard of nothing but religion and morality; but these were soon lost in attempts to negotiate with advantage for Trincomale, the Cape, and some other colonies. The last object of the war was pretty distinct; but even that is now disavowed, and we are told that ministers only wish to carry on a defensive war. Offensive war is therefore given up. But if a defensive war be advisable, a committee is the only proper plan to consider of the means and the mode of carrying it on. Again, it would be necessary to consider in the committee, what effect immediate peace would have on the commerce of this country. France must divide our commerce with us; whilst, on the other hand, if we continue the war, she will be able to raise a great navy, to which her situation and her resources so much adapt her. Under these circumstances, then, I call on gentlemen to turn their minds sincerely to peace: let us seek peace cordially, with heart and hand; peace with reconciliation; such a peace as the two countries can bear, and as will be compatible with their mutual and joint security. There can be no security in a peace which gives exclusive advantages to one party. I then wish for peace; the country wishes for peace: yet if the right hon. secretary is afraid of a tri-coloured cockade in the streets of London; if he is afraid that idle curiosity will take many persons to Paris, who might wish to introduce French fashions; or if he is fearful that persons possessing small fortunes will emigrate to France—while these are fit matters to be gravely considered, it ought also to be remembered, that great and pressing evils accumulate with the war, which ought also to receive grave and weighty consideration. However, it is not my intention to discuss the question of peace now in all its details, though if it be put on the ground of security, I am ready to support the war until it can be concluded with honour and safety. I think the motion a good one, and with a thorough conviction, that if adopted it will be attended with national benefits, I shall cordially support it.

The *Solicitor General* commented upon the different objects which gentlemen appeared to have in this motion. Some wished for peace: others wished for a dismissal of ministers: others, again, wished that it should be a committee of vigilance, to watch the conduct of the executive government. Now, before they could act upon the latter principle, they must come to a resolution that the executive government was unworthy to be trusted. If government showed a disposition to treat in 1797, why was it to be inferred that they did not now possess the same desire? But he considered the means pointed out by this motion as disgraceful in the extreme: it was telling our allies that we regarded their interests only while they were successful; but that the moment they were unfortunate, we would negotiate without them, and leave them to their fate. Even putting the worst case that could happen, that we should be obliged to contend against France alone, that case would not be new to us; we had done it before, and we had found that our fortitude and courage were equal to the contest. Gentlemen, when they talked of the sufferings of this country, should recollect the sufferings and sacrifices made by France; there it was that we ought to imitate her; and if they had borne so much evil with fortitude in a bad cause, what ought we not to bear in a good one? When gentlemen talked of the funds as a criterion of the wishes

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of the people, they argued from a false criterion. They proved nothing more than that some men preferred their private interest to the interest of the community. With respect to the general question, whether the conduct pursued towards France was wise and politic, that depended upon a view of all the events which had taken place. For his part, he had never repented of the vote which he gave for the war; and the only regret which he felt was, that it was not sooner entered into. He had been asked, what price we had been repaid for all that we had advanced? In his opinion, the re-payment had been abundant—we had saved our constitution. No practical good could result from the motion. Instead of accelerating peace, it would tend to delay it, and to fetter the hands of government in the prosecution of that object.

Mr. *Tierney* did not wish by any means to crouch to France for peace; but if ever a committee to inquire into the state of the nation was necessary, it was at the present moment. The confidence which had been reposed in ministers had been grossly abused. By the reasons which a few months back they had urged against entering into a negotiation with France, that House had been deceived, and precipitated into a determination to continue the war. Ministers had, in that case, betrayed their country, and deceived their sovereign. The arguments then advanced by them in support of their projects had proved wholly fallacious. No one would now argue, that the relative situation of this country with France was so favourable as it was at the period of our refusal to negotiate. It was not a committee of vigilance that was sought for. What was required, was, a committee to examine into the state of the nation; a proceeding by no means novel in that House. If we persisted in the war without taking some precaution of this kind, we should have nothing to hope, and every thing to fear. In the event of the war being continued much longer, he feared that the whole naval force of this country would not be sufficient to protect our possessions from invasion. He had no great apprehensions with respect to England itself; but the situation of Ireland rendered its safety rather precarious. He admitted the prosperous state of our revenue at present, but attributed this prosperity to the disjointed state of Europe, which would cease on the conclusion of a peace; and hinted at the probability of an armed neutrality of the northern countries to oppose the views of Great Britain; which neutrality, if joined by America, might produce the most fatal consequences to our commerce, the great source of our revenue. He by no means wished to drive ministers into a negotiation. From the whole of their conduct, he did not conceive it practicable for them to treat with success, and therefore he could not possibly give them his confidence. If Buonaparté sought revenge, he now possessed an abundant portion of it in the humiliation of the British ministers. After all the scurrility and invective that had been lavished by them, the moment of their complete humiliation was at length arrived. They were, however, proud, and could not bring themselves to beg that peace which they had so lately refused from the hands of him whom they termed a Corsican usurper, and to whose footstool they must necessarily crouch, if they should at any time become serious in their endeavours to terminate the war. Unless the House interfered, he saw no salvation for the country. The inquiry proposed would, he doubted not, furnish ground of impeachment against ministers, who had persuaded his majesty, contrary to his nature and disposition, to turn a deaf ear to the cries of peace.

The House divided:

TELLERS.

YEAS	Mr. Western - - - - Mr. Hobhouse - - - -	26
NOES	Mr. Buxton - - - - Mr. Charles Yorke - -	148

So it passed in the negative.

List of the Minority.

Adair, R.	Mostyn, sir T.
Anson, T.	Nicholls, J.
Barclay, G.	North, D.
Biddulph, R.	Plumer, W.
Bird, W. W.	Russell, lord J.
Bouverie, E.	Russell, Lord W.
Burdett, Jones, sir F.	Sheridan, R. B.
Combe, H. C.	Smith, W.
Denison, W. J.	Tierney, G.
Hussey, W.	Tufton, hon. H.
Jeffries, N.	Walpole, gen.
Jekyll, J.	TELLERS.
Lemon, sir W.	Western, C. C.
Lemon, col.	Hobhouse, B.
Milner, sir W.	

Address on the State of the Public Records.] July 11. Mr. Abbot reported from the Committee appointed to draw up

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the Address to be presented to his majesty, that the committee had drawn up an address accordingly, which they had directed him to report to the House; and he read the report in his place as follows:

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, having taken into our consideration the state of the public records of this kingdom, and the necessity of providing for the better arrangement, preservation, and more convenient use of the same, humbly beg leave to lay before your majesty the report of our proceedings thereon; and to represent to your majesty, that in several of the principal offices we have found the public records preserved with great order and regularity, and in some few with a method and care which are exemplary; but that, in many of the most important offices, they are wholly unarranged, undescribed, and unascertained; that some of them are exposed to erasure, alteration, and embezzlement, and others are lodged in places where they are daily perishing by damp, or incurring a continual risk of destruction by fire.

"A period of nearly seventy years has elapsed since the last general parliamentary inquiry upon this subject; and, during this interval of time, the change which has taken place in the language and written character of judicial proceedings, as well as the large accumulation of materials which has been progressively superadded in every department, have increased the difficulties of methodizing the several repositories, or applying their contents to purposes of practical use.

"In the course of our inquiry, we have found that many of the public buildings allotted to these uses, and especially those buildings which belong to your majesty's exchequer in all its branches, comprehending the ancient records and muniments of the rights and possessions of the crown, and the vouchers and accounts of the public revenues and expenditure, are in a state so incommodious and insecure, as to require immediate attention.

"It has also appeared to us, that the salutary measures heretofore adopted, by your majesty's authority, for methodizing the contents of some of the principal repositories of your majesty's records and papers of state, might also be extended to many other repositories, with consequences highly beneficial to the public service.

"And the same motives which encouraged our predecessors to intreat your majesty's directions for printing the ancient records of Domesday and the Rolls of Parliament, have also induced us to submit to your majesty's wisdom our desire of extending the same measure to other ancient and valuable monuments of our history, laws, and government.

"Your faithful Commons do therefore most humbly beseech your majesty, that you will be graciously pleased to give such directions as your majesty, in your great wisdom, shall think fit, for the better preservation, arrangement, and more convenient use, of the public records of this kingdom.

"And we beg leave further to assure your majesty, that whatever extraordinary expenses may be incurred by the directions which your majesty, in your great wisdom, shall think fit to give on this occasion, shall be cheerfully provided for and made good by your faithful Commons."

The Address was agreed to, and ordered to be presented to his majesty.

The King's Message respecting a Treaty with the Emperor of Germany.] July 15. Mr. Pitt presented the following Message from his majesty:

"George *R.*

"His majesty thinks it proper to lay before this House, the copy of a Treaty, which has been signed at Vienna, between his majesty's minister to that court, and the minister plenipotentiary of the emperor of Germany, duly authorized for that purpose.

"His majesty has directed the ratification of this treaty to be immediately prepared, and transmitted to Vienna, to be exchanged in due form with that of the emperor; but, on account of the present advanced period of the year, his majesty has thought it best not to delay communicating to parliament the engagements thus entered into; and he recommends it to this House, to adopt such measures as may be necessary in order to enable his majesty to fulfil them.

"His majesty doubts not that he shall see, in the conduct of parliament, in this conjuncture, an additional example of that good faith, firmness, and determination, which have uniformly actuated the councils of this country; and he is persuaded, that his parliament will concur with him in thinking, that, by furnishing the means

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for prosecuting the war with vigour, they best promote the attainment of peace, on grounds consistent with the security and honour of this country, and with the safety and independence of Europe. G. *R.*"

Copy of the Convention with the Emperor of Germany.] Mr. Pitt also presented, by his majesty's command, a Copy of the following

CONVENTION between his Majesty and the Emperor of the Romans, signed at Vienna, the 20th June, 1800.

His majesty the emperor of the Romans, king of Hungary and Bohemia, and his majesty the king of Great Britain, have judged, that it was conformable to the interest of their crowns, and to the good of the common cause, to concert with each other on the best manner of giving effect to the union of their efforts against the common enemy, in the present campaign; in consequence of which thr baron de Thugut, Grand Cross of the order of St. Stephen, his imperial majesty's minister of conferences, and commissary general and minister plenipotentiary in his provinces of Italy, Istria, and Dalmatia, &c.; and the right hon. Gilbert lord Minto, peer of Great Britain, one of his Britannic majesty's most honourable privy council, and his envoy extraordinary and minister plenipotentiary to the court of Vienna, being furnished on the part of their aforesaid imperial and Britannic majesties with the powers requisite for discussing and arranging this important object. The said plenipotentiaries, after having respectively exchanged their full powers, have agreed upon the following articles:

Art. 1. In order to relieve the pressing necessities of the finances of his imperial majesty, under the enormous expenses already incurred, and which remain to be incurred during the present campaign, his Britannic majesty shall advance to his above-mentioned imperial majesty, by way of loan, the sum of two million pounds sterling; this sum shall be divided into three parts, and paid at three different periods, preferably in specie, so that the first third, of 666,666*l.* 13*s.* 4*d.* shall be paid in the first days of the month of July; the second third of the like sum in the first days of September; and the remaining third in the first days of the month of December.

Art. 2. During the whole continuance of the war, and during the six months which shall follow the conclusion of a peace between Austria and France, his imperial majesty shall not be bound to pay any interest upon the sum of two millions advanced, as stipulated in the preceding article: Great Britain consenting to take this charge upon her own account until the period above-mentioned; but on the expiration of the term of six months after the conclusion of peace, his imperial majesty shall pay for the future to the British government, or to the individuals who shall be pointed out by the British government, an annual rent, or annual rents, making altogether the amount of the interests of the two millions advanced; which interests shall be calculated at the same rate, as the interests of the loan made on account of the British government in the present year. His imperial majesty shall moreover pay annually to the British government, the sum of 20,000*l.* sterling, at two periods, that is to say, 10,000*l.* every six months; which sum shall be employed in the successive purchase and reduction of the principals of the two millions, according to the method adopted by the British government in its own loans.

Art. 3. Their imperial and Britannic majesties mutually promise each other to carry on the war against the French republic during the present campaign, with all possible vigour, and to employ in it all their respective means by land and sea, concerting together as occasion shall require, on the most advantageous manner of reciprocally employing their forces by land and sea, to the support of their operations against the common enemy, His imperial majesty shall be careful to complete his armies of Germany and of Italy, in proportion to the losses which they have sustained, in order always as far as possible to act against the common enemy, the same number of effective men conformably to the statements which his imperial majesty caused to be confidentially communicated to the British government, on the opening of the campaign.

Art. 4. The Bavarian troops, those of Wurtemberg, and the Swiss regiments, in the pay of Great Britain, shall be at the disposition of his imperial majesty, to form a part of his army in Germany, and to be employed there in operations against the enemy, in conformity to the conventions and capitulations concluded on this subject by the king of Great Britain. His Britannic majesty shall take the necessary measures for the farther reinforcement of the army of his imperial majesty in Germany, by as great a number as possible of German and Swiss Troops.

Art. 5. Their imperial and Britannic majesties engage during the whole continuance of the present convention, not to make a separate peace with the French republic; without the previous and express consent of each other. They engage likewise not to treat with the enemy, nor to receive from him any overtures either for a private peace, or for a general pacification, without making, mutually, communications of them with openness, and acting in every respect in perfect concert.

Art. 6. The duration of the present convention is fixed for the term of one year, to be computed from the 1st of March 1800, until the end of February 1801. From the month of December, and immediately after the acquittal of the last payment of the stipulated advances, the two high contracting parties shall

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enter into deliberation and confidential explanation, upon the determinations that they may think necessary to adopt for the future, according to circumstances and their mutual convenience.

Art. 7. The present convention shall be ratified in due form by their imperial and Britannic majesties, and the respective ratifications shall be exchanged at Vienna, in the space of six weeks, or sooner, if possible.—In witness whereof, we, the undersigned, furnished with the full powers of their imperial and Britannic majesties, have, in their names, signed the present convention, and have affixed thereunto the seal of our arms. Done at Vienna, the 20th of June, in the year 1800.

(L. S.) Le Baron de Thugut.
(L. S.) Minto.

The King's Message for a Vote of Credit.] July 18. Mr. Pitt presented the following Message from his Majesty:

"George *R.*

"As the state of public business may soon enable his majesty to put an end to the present session, His majesty thinks it proper to recommend it to the House of Commons, to consider of making provision to enable his majesty to defray such extraordinary expenses (in addition to those which will be incurred in fulfilling the specific engagements which his majesty has already directed to be laid before parliament) and to take such measures as the exigency of affairs may require. G. *R.*"

Debate in the Commons on the Subsidies to the Emperor of Germany, &c.] July, 18. The House having resolved itself into a committee of supply,

Mr. *Pitt* said, that having already had occasion to submit a motion to the consideration of the House, relative to the treaty with the emperor of Germany, it could not be necessary for him at present to enter very minutely into the subject, not only because the motives to induce the committee to accede to such treaty were in themselves so obvious, but because they had been so explicitly stated by him when that motion had been discussed, and were so clearly pointed out in the message of his majesty. In fact there scarcely remained any thing farther for him to do, than to move that the committee should adopt such a resolution as would enable his majesty to carry that treaty into effect. It might, however, be necessary to remind the committee, that as early as February last, his majesty had announced his intention of forming an alliance, and entering into a treaty for the prosecution of the war, with the emperor of Germany, the elector of Bavaria, and other princes of the Germanic empire. The House had, upon such communication determined that upon every principle of sound policy, it was bound to sanction the treaty his majesty had expressed his intention of entering into, and to enable him to fulfil it. Since that period, various events had happened affecting the relative situation of our allies. Some of those events had been attended with most brilliant and signal advantages to the Austrian arms, and the cause in which we were engaged. On the other hand, he was compelled to admit that our allies had experienced heavy reverses; but they were reverses attributable to the chance of war reverses which so far from having a tendency to relax their efforts, could have no other effect than that of exciting them to more vigorous exertions, and of producing in this House, and in the country at large, that zealous co-operation which it was the object of his majesty's message to obtain; and the House had already by its vote founded upon every principle of policy, determined to grant. Now to enable the committee accurately to judge of the propriety of following up by its vote that which the House had sanctioned, it might be necessary to consider the circumstances under which the treaty was proposed and accepted, previous to the knowledge, or even the suspicion, of those disasters which had lately taken place in Italy. As far as his majesty's ministers had received any information upon the subject, they had every reason to believe that notwithstanding the extent at which those disasters had been stated by the enemy the emperor of Germany had determined not to recede on his part. Whether, if the emperor was determined to fulfil his part of the treaty, this House ought to enable his majesty to afford him his assistance, was a question which rather required to be stated than to be argued: for it was not to be believed, that the magnanimity and courage of Great Britain was to be affected by the vicissitudes of war: that its faith towards its allies was to be shaken by fortuitous events: or that it would shrink from those allies in whose success it expected to have participated; merely because they had experienced disasters, the effect of which there was every reason to hope would be momen-

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tary, and eventually inconsiderable. Under such circumstances, he was persuaded the sentiments expressed in his majesty's message were those which actuated every one to whom he was addressing himself. There was not one British heart in the country that could think differently upon the subject; nor could he for a moment suppose, that there would be the least opposition to the resolution he should have the honour of moving. If, then, there was nothing in the events which had taken place in Italy of sufficient magnitude to deter the emperor from fulfilling the treaty on his part, surely, as a question of policy, interest, and prudence, whether this country ought to abide by it, it lay within the narrowest compass imaginable. Whatever had been the result of the campaign in Italy, still it must be apparent that the interests of this country required that it should not separate itself from its ally the emperor, but, on the contrary, should do every thing in its power to enable him to prosecute the war with vigour and effect, and with a chance of taking advantage of an opening for negotiation, if such should present itself. Mr. Pitt concluded with moving, 1. "That a further sum, not exceeding 1,500,000*l.* be granted to his majesty, to enable his majesty to fulfil the engagements which his majesty has entered into with the emperor of Germany. 2. That a sum, not exceeding 545,494*l.* be granted to his majesty, to enable his majesty to make good such sums as have or will become due in the course of the present year, in consequence of engagements with the emperor of Russia."—The first resolution being read,

Mr. *Jones* said, he should enter his protest against sending any more money out of the country to subsidize foreign powers. Besides, he did not approve of the terms of the treaty; there was something in it that tended to the prolongation of the war. We engaged not to treat with the enemy, or receive any overtures, either for a private peace, or general pacification, without acting in concert with the emperor of Germany. If ministers could be justified in making such a treaty, it could only be upon their having sufficient reasons to rely upon the good faith of the emperor. Was that the case? Had he not once already made a separate peace, and would he not do the same if it suited his purpose? Had he not taken our millions without either repaying principal or interest? There was no reason on earth for being satisfied with the good faith of the emperor. He hoped ministers would pause, after eight years of war, and not rashly continue it by voting away two million, especially in so thin a House. The country was not able to bear the burthens with which ministers oppressed it for the sake of enabling them to carry on a *bellum ad internecionem*.

Mr. *I. H. Browne* maintained, that the House had no reason to distrust the good faith of the emperor. He said, it would be impossible, in the present state of France, if the emperor made a separate peace, for this country to make one afterwards; it was therefore necessary that the two powers should act in concert. He should be sorry to see our wealth expended in a fruitless war; but he was no less averse to making peace with such a ferocious enemy. The war was a war of defence. Not to persevere, would be to incur the charge of pusillanimity. Whatever sacrifices in money had been made by this country, they bore no proportion to those of Austria in the loss of her subjects.

Mr. *Martin* said, that from the very first moment of our connexion with foreign powers, he had been of opinion that they tended to the misery, not only of our own people but of all the world. He never would vote a single penny for promoting continental alliances. They had been the means of increasing war and bloodshed. What occasion had we to resort to the assistance of continental powers? Why were we not content to defend ourselves by the courage of our brave seamen? Why prolong the period of war and bloodshed all over the world, by paying foreign powers to fight for us?

Mr. *Tierney* said, he thought he should deserve ill of the House, ill of his country, and ill of all Europe, if he gave the vote which the minister had called upon him to give. If any thing in the conduct of that right hon. gentleman could have surprised him, it would have been the lofty tone in which he had desired the House to agree to the present motion. If ever there had been a day in which it would have become him to have come down covered with sackcloth and ashes, it was the present. The war was an unjust and unnecessary war, begun and carried on to gratify the inordinate pride of ministers. Admitting the French had been the aggressors in the first instance, yet from the date of Buonaparté's letter to his majesty,

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things assumed quite a different complexion; and ministers were answerable to God and their country for all the blood that had been since shed, and treasure that had been expended. It was true, ministers might have thought they had some ground for not listening to the overtures of Buonaparté, but they were no grounds for inducing the House to sanction their refusal, by stating, that they were certain of the co-operation of their allies. It was impossible but, at the very time when the chancellor of the exchequer was amusing the House by such an assurance, he must have known that it was without foundation; it was impossible for him not to have known (unless the sums granted for secret services were thrown away), that the emperor of Russia, one of those allies, was sick of the war. The fact was, Russia had soon after withdrawn her forces. If the assurance he had made had been founded in truth, how came it that the treaty with Austria had not been signed till the 20th of June? They talked of not suspecting the faith of the Emperor. He did suspect him. No doubt the Emperor had flattered himself that his arms would have been more successful; and in the event of a favourable opportunity offering of making a separate peace with France, certainly it would have been more to his advantage not to have been shackled by a treaty with this country; but when he found that he could not obtain those advantages over the enemy which he had hoped for, he had no objection to compensate himself by a little British money, of course he could have no dislike to a subsidy, which would not prevent him from making a separate peace when he could do so with advantage. With respect to the Russians, it was doubted whether they had rendered any service whatever. That the exertions of the Austrians had been vigorous, he would not deny; but was the right hon. gentleman sure the Emperor had the same object in view for which the war was professed to be carried on by his majesty's ministers? The next pretence for rejecting the overtures of Buonaparté was the assistance that would be obtained in France. It was stated that the loyalists and emigrants had made head against the French government. Was that true? Had there been any rising in France to justify such an assertion? Must not the right hon. gentleman either have been grossly misled himself, or have wilfully imposed upon the House? Did he not perceive that the stability of the present government of France exceeded that of any republican form of government that had ever existed? Had he not seen France under the government of Buonaparté left for the first time without a garrison? The fact was, that the people of France supported the government of Buonaparté, chiefly because he had manifested a disposition towards peace. Was there a single act of the present French government that ought to be a bar to negotiation? No man could look to any successes on the part of the allied arms to counterbalance the gigantic strides of the French. Was it just, therefore, to confine the Emperor to a war which would terminate in his ruin, by bribery? Were not ministers justifying, by their conduct, the assertions contained in the French papers, that nothing but the gold of England prevented Europe from enjoying a lasting peace? Would they say the Emperor had it in his power, even if he were willing, to carry this treaty into effect? Would they say there were not negotiations at this moment carrying on, and in a state of forwardness, between the Emperor and the French? What was to be gained by the 2,000,000*l.* that we were lavishing away? It was said, that the least suspicion ought not to be entertained of the Emperor making a separate peace. Certainly nothing could justify such an injurious suspicion but experience. Was it not the fact, that during the existence of a treaty as strong and as binding as this was, he had entered into a separate treaty of peace, which had lasted a year? Was it just to urge an ally to his destruction? If this had been a war of defence, he would have been one of the last to have contended, that a subsidy would not be desirable. But it was not a war of defence, nor could any one say what it was ministers really would have, nor for what they carried it on. He did not question the Emperor's willingness to continue the contest; but, however great it might be, with his armies broken and defeated, his spirit must be discomfited. Every thing had vanished; all the advantages so much boasted in the hour of our arrogance had been wrested from him! and yet, with all this experience, they were to be called callous, who should oppose a continuance of the system which had produced such fatal consequences. To repair these, our money could not avail. What else then could we do, and how were we further to

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contribute to that end? Our fleets could not achieve new triumphs, for there were no fleets to oppose them. To what use, then, could so much of these two millions as remained unpaid be now applied, if it could not change the state of affairs on the continent? The question was, could the war be avoided? If it could not, he was as ready as any man to support it. But it could be avoided. It was his positive opinion, that a peace could be procured within one month from that day. From his knowledge of ministers, he could not expect it from their hands. No amicable negotiation could be entered into between his majesty's ministers and Buonaparté. All that could be expected was, that the minister would at length be compelled to make peace. When our allies were down, when Buonaparté had proved his strength, then, no doubt, he would find security. He could not find it in our success; it could, therefore, be only had in disaster; and the hour which should be the very last for us to make peace would be the first chosen. But the right hon. gentleman might say, he was entitled to change his opinion; and that whatever his sentiments might have once been on the subject, it did not follow that they must remain invariable. He admitted indeed, that no man had ever displayed more magnanimity in changing opinion than the right hon. gentleman. What he contended for was, that no such change had taken place. Under these circumstances, then, if we looked to the gigantic power of France, what should we expect would be its conduct? France might say, "We will have security, as well as England, before we make peace;" and thus the war might be continued to any indefinite period. On this system, poor indeed was the prospect of peace to the world. Ministers by the manner in which they had carried on the war, had become a by-word and laughing-stock from one end of Europe to the other. From what quarter could they expect their panegyric? It could not be from Prussia, or the emperor Paul; the only power it could be expected from was the imperial court, on whom we were liberally squandering our money. In what way, then, could the present cabinet be entitled to the name of statesmen? In one way alone they had succeeded; that was, in embroiling and overturning all Europe. True it was, that our resources were great; but they might be exhausted. He did not doubt but experience, and the evidence of facts, would be complete at the last payment of the subsidy, on the 28th of February next. The Emperor was pledged to continue our ally no longer. It would then be seen, that some farther subsidy was necessary. The right hon. gentleman must then fly to new topics to rouse the languid spirit of the country to a continuance of the war. But why this prospect of farther waste of blood and treasure? Could not the right hon. gentleman see that no good could be obtained by war, unless unanimity was accomplished by a fair avowal of a disposition to negotiate for peace? That this was attainable, if the desire were sincere, was evident. But peace, while an ember of Jacobinism remained unextinguished in France, was considered as only a mitigated state of war. Should such a danger as the infection of Jacobinism be feared, war was not its proper remedy, but negotiation. But ministers might say, "If negotiations of peace were opened, the terms would be so disadvantageous, that they could not be accepted." True; but the sincerity of Buonaparté would, by negotiation, be tried; his ambitious schemes, if he had any, would be fully developed, and his antipathy to this country be made conspicuously to appear, if any such was entertained by him. Should such a display of character as this take place, he (Mr. T.) would spend his last shilling as readily as any man in the support and protection of his country. He was confident, however, that a contrary disposition would appear; and that this country, by losing the favourable time to negotiate, would soon find herself standing singly against the whole power of France. The German empire was in a perilous situation. Another victory might open to the enemy the very gates of Vienna. If he could think, that the present subsidy would have any influence in accelerating the period of peace, he would gladly give it his support; but seeing no such tendency, he must give it his decided negative.

Mr. *Canning* said, that from what he had been able to collect from the speech of the hon. gentleman who had just sat down, there were three grounds on which the opposition to the vote now proposed was attempted to be maintained; first, that an avowed vigorous prosecution of the war was not the way to arrive at peace; secondly, that the Emperor had not hitherto afforded such a co-operation as

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justified ministers for having entered into such engagements as those which were contained in the treaty upon the table, nor was he in a situation to afford such co-operation henceforward as would justify the House in fulfilling them; and thirdly, that the present ministers were not fit men to make peace, and that any effort therefore for that object, while they remained in office, must be of no avail. With regard to the first of these objections, he should say but little; because he was firmly persuaded that the House must feel, that even if there were no other purpose for which this vote was desirable but that of enabling ministers to enter into immediate negotiation for peace with greater advantage, the declaration of such a purpose in that place would be the surest method of occasioning its failure; and that, in order to treat for peace at any time with a chance of success, ministers must be enabled to treat with the means of war in their hands. As to the second point, the extent and value of the co-operation already afforded by the Emperor, and of that which we might still expect from him, he differed widely from the hon. gentleman. The hon. gentleman argued solely on the issue of the last battle which had taken place in Italy; and he attempted to prove from it, not only that the whole of what the Emperor had hitherto done was nothing worth, and that there was still less to be looked for from him in future, and not only that we ought therefore to refuse fulfilling the engagements contracted with him, but that ministers ought to have foreseen the issue; and that they are therefore highly culpable in having contracted engagements, which, if they had been possessed of such foresight, they would have known at the time of contracting them to be wholly useless and extravagant.

Now, in the first place, it was somewhat curious to consider what was the degree of foresight which ministers were arraigned for not having exercised on this occasion. Was it that they had not foreseen the intention of Austria to abandon the alliance in the course of the campaign, or to relax her efforts, to maintain her armies in a state of inactivity, and to prosecute the war in appearance only, not in reality? If this had been the conduct of Austria, he should have understood what was meant by accusing ministers of want of due precaution and prudence; because, of the intentions of an ally, it might be argued, it was their bounden duty to inform themselves accurately before they committed the faith of this country, or hazarded its wealth upon the alliance. If the armies of our ally, when put in motion, had proved weak and inefficient, incapable of making head against the enemy to whom they were opposed, and in numbers valour and discipline, miserably below the point at which we had been taught to rate them, this too might be ground of accusation against ministers, which he could not at least understand; for it might be argued with some appearance of justice, that the real state of the armies of a power with whom we confederated, and whom we were engaging to subsidize, was a matter which it was the duty of ministers to ascertain beyond doubt, and which they had obvious means of ascertaining. But was any failure of this sort on the part of Austria pretended? Was it argued or believed that Austria had shown any want of heart or of strength? Had her armies forfeited their ancient reputation? Had they fought as if they were either unfit for action in themselves, or restrained by the timid or treacherous policy of their court? Let that very battle, on the issue of which the fate of the war was supposed to have turned; let the battle of Marengo, contested as it was with an obstinate bravery and with a variety of fortune which have few parallels in history, bear witness that Austria had not been wanting in exertion, and that the arms of Austria had lost nothing of their prowess, or of their glory! But no; it was the issue of this very battle that ministers ought to have foreseen; they ought to have foreseen that on one battle would turn the fate of the whole campaign, and that the issue of that battle would be unfortunate to our ally. If so, they ought to have foreseen, what was not foreseen or conjectured with confidence two hours before the final event of that day, by either those who lost or those who won the battle, by general Melas or general Buonaparté; what up to the very end of the engagement was so doubtful, that if a courier had been dispatched from the plains of Marengo two hours before the contest actually ceased, he would have announced the victory as inclining decidedly in favour of the Austrians (and then to be sure the admirable foresight of ministers would have been as willingly commended as the want of it is now justly censured); they must have foreseen, not

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that two armies, of force so unequal, of spirit so ill-matched, as to admit of little struggle for superiority, would meet and decide without difficulty the pretensions of two rival powers; but that the victory, balanced for many hard-fought hours, and at one time almost decided in favour of the Austrians, would by a sudden manœuvre be brought over to the side of the enemy; that at eight o'clock a body of 250 French horse would break in upon the triumphant and pursuing Austrians, throw them into confusion, and turn the fate of the day. All this ministers must have foreseen, to be enabled to act upon their foresight; for if their sagacity had failed them an instant before the conclusion of the battle of Marengo, all the rest would have gone only to mislead them. And for not foreseeing all this, they are to be condemned as men utterly incapable of conducting the affairs of the country; as having lavished its treasure, and pledged its good faith, and hazarded its safety, on rash and idle speculation! So little (Mr. Canning said) could he agree in the justice of these imputations on this ground, that he was ready to contend, on the contrary, that even if they had been possessed of this extraordinary and preternatural power which they were so much blamed for wanting; if they could have known that the course of the campaign would lead to a situation in which the hopes and fortunes of the whole would be staked on the issue of one battle between the Austrian army in Italy, and a French army with Buonaparté at its head; if they could have foreseen, not indeed that the battle would be absolutely lost by the Austrians, but that it would be fearfully contested, and that the victory would be to be decided by one of the most anxious and doubtful struggles that ever took place; he should say, that with all this foreknowledge, ministers would have done wrong not to have pushed things to such a trial; that they would have done well to purchase at the price of the whole of the subsidy now to be voted, such a chance for the safety of Europe. For, see what was the alternative! If the victory did not remain with Austria, there was undoubtedly much to regret, and much to repair; there was difficulty and danger to be struggled with by the Emperor, perhaps now, and great exertions to be made on the part of Great Britain. But, put the other case, and suppose Buonaparté defeated in this one battle; and who was there that doubted that there would have been an end of him and his power? To our ally, the event, such as it had turned out, was failure and mortification and embarrassment; to the enemy it would have been utter destruction; and it would in that case have brought about the conclusion of the war, in the way which would most effectually have secured the restriction of the power of France, and the independence and tranquillity of the rest of the world. So far, therefore, from thinking ministers blameable for not having foreseen and avoided the hazard of the battle of Marengo, he was ready to contend, that if they could have foreseen and contrived such a trial of the fates and fortunes of the opposing armies with such an alternative before them, the event, even as it now appeared, would have justified them in having done so.

As little could he agree with the hon. gentleman in the opinion, that, whether Austria were worth having or no at the beginning of the campaign, she was not worth having now; and that, after having made these engagements with her, we were at liberty to retract them. It was said, that the sum proposed would be of no efficient use to the emperor, whose armies were destroyed, his dominions drained of men and money, and his whole power utterly exhausted and broken down. It was suggested, that we had not signed the treaty, and that there was therefore yet time for refusing to fulfil it. It was even hinted, that the emperor could not honestly ask for the fulfilment of engagements contracted with him under other expectations than those of complete failure and disappointment: and that when he applied for money under such circumstances, the application deserved to be rejected in terms of indignity and reproach. There appeared to him something ungenerous and illiberal in this way of seeing the subject. He was not prepared to turn round to an ally the moment that ally became unsuccessful, and to address him in the language suggested by the hon. gentleman's observations: "Go; we have nothing now to say to you; your claim upon us is at an end; we made alliance with your strength, and you have brought us failure; we bargained with your hopes, and you have given us disappointment; our engagements were with your good fortune; we abjure all fellowship with your distress!" Such was not the language which he could use, nor the

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sentiments which he could bring himself to entertain respecting an ally, who, with whatever success, had certainly fought manfully by our side.

Indeed, he could not but feel some surprise at the manner in which gentlemen seemed to think it becoming to treat the emperor on the present occasion, It was not new, indeed, to find in any men, it was the common feeling of our nature, a blind admiration of success; and he had therefore heard, without much astonishment, the expressions of admiration, which had been bestowed in that House upon the chief consul and his victory. But he had hoped that, whatever might be the undistinguishing and incurable insensibility by which vulgar minds are hardened to the perception of real merit, if unaccompanied by success; he had hoped that, with liberal and intelligent minds, though the first impression might be, as it had been, that of astonishment and admiration at the fortune of the victor, the second, and not the less powerful nor less permanent feeling would have been that of compassion and just praise to the courage, the constancy and the magnanimity of the vanquished. He had thought that, even if we had been unconcerned spectators of the great contest which had been carrying on in Italy; if we had merely read in history of such events as had taken place there, and such a result as they had led to; we should naturally have sympathized with misfortune so bravely struggled against, and so manfully borne. And if such would have been the natural feeling in an indifferent case, he had imagined (but in this he found himself cruelly mistaken), that even the crime of being our ally, even the disqualification of an united interest and a common cause, would not have been sufficient wholly to deprive Austria of a title to our respect and compassion. He had imagined that, after being hurried by the first impulse of their astonishment to mix in the mob that shouted at the heels of Buonaparté, gentlemen would, as soon as they recovered their reflexion, have been eager to do justice to the emperor, by acknowledging the fortitude with which he bore his reverses, and by doing all that in them lay to enable them to repair them. But no; the emperor was to look for no such comfort, no such credit here; instead of being soothed and consoled under his misfortunes, he was to be taught with reproaches that he did not yet rate them sufficiently high, that he was not aware of their full extent and malignity; instead of being encouraged to retrieve his losses and receiving the promise of a cordial assistance, he was bidden to despond and despair, to consider his fortunes as utterly hopeless and irretrievable, and was even taunted as an impostor and a swindler, for proposing to us to assist him in the attempt to retrieve them.

No doubt the hon. gentleman must know the state of the emperor's affairs much better than he did himself. He could not help feeling, however, that the emperor's own word went for something in this matter. The hon. gentleman put him in mind of a scene in a French comedy (he believed one of Moliere's), where a man is made to believe that his neighbour is dead; and an attempt not quite so successful, is afterwards made to persuade the reputed dead man himself that he really is so. Presently after, the two neighbours meet in the street, and the supposed corps not only avers himself to be alive, but actually proposes to borrow money of his friend; the friend is naturally enough in great indignation at such effrontery—"You borrow money, indeed! a pretty story truly! lend my money to you! why you know you are dead; you died yesterday; I have it from the best authority! Poor dear Anselm! I am truly sorry for him; but dead you are sure enough, and you get no money of me by pretending to be alive, I promise you." Such was really very nearly the substance of the dialogue which the hon. gentlemen were for holding with Austria. But he for his part thought the word of the living man a pretty good answer to those who would have believed him dead—and upon nearly the same principles he was inclined to admit the evidence of Austria in her own behalf, as proof that she was not so utterly undone as the hon. gentlemen would fain have the House to believe, and would, if they could, persuade Austria herself to acknowledge.

The testimony of Austria, however, the hon. gentleman contended to be rather suspicious on this point; because, said he, the emperor has an interest in deceiving us; he wants to finger our money. This, no doubt, was a sagacious discovery; but surely, in this instance, the sagacity was a little overstrained. The money, as the treaty explained, was to be paid by instalments, the first of which only was

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now to be made good; and if after receiving the first, the emperor should fail in the execution of his stipulations, no further payment would be made. Where, then was the risk to this country? Or what object could Austria have but that which was fairly put forward? If the first payment was now made, would it not be made for work done? If general Melas had drawn the draft for it in the plains of Marengo, would the hon. gentleman have refused to pay it, on the plea that we had not had any valuable consideration for our money? or, when he considered the exertions of Austria, from the moment at which this treaty was first proposed, to that in which he now wished us to hesitate about completing it, would he not feel himself compelled to acknowledge that the payment so far as was now to be demanded, was fairly earned? Besides, the hon. gentleman had said in another part of his speech, where it suited his arguments, and had said most truly, that the whole of the sum to be furnished by us by way of subsidy was inconsiderable, compared with the general scale of the emperor's war expenditure.—See, therefore, what it was that the hon. gentleman imputed to the emperor; what extravagant and incredible folly, as well as wickedness, when he represented him as purchasing our subsidy at an expense which must swallow up, not the amount of it only, but the whole of the revenues of his own dominions into the bargain: as exhausting the blood of his subjects, and exposing his very capital to imminent danger; merely,—for what? that he might cheat Great Britain of a sum of money! Was there sense or probability in this policy? Was it possible that any government or any individual would play such a game for such a prize—would hazard their whole fortune, nay their, very existence, in order to have not the possession, but the disposal of a few hundred thousand pounds, to be swindled from a friend? And even if such were the unaccountable madness of our ally, did not the paying by instalments give us a sufficient power to disappoint so absurd a design the moment that it showed itself?

The remaining objection of the hon. gentleman was one that applied more largely, not to this subsidy only, but to every measure that went in any degree to strengthen the hands of the present ministers, either for the prosecution of the war, or for the negotiation of peace. The hon. gentleman gave it as his decided opinion that the present ministers had utterly disqualified themselves from conducting the war to an honourable termination, and even for treating for peace with a government, at the head of which is a man whom, as the phrase is, they had abused so grossly: Buonaparté could never be expected to listen with patience to the proposals which such men might offer to him, or to offer them any terms but such as it would be disgraceful and disastrous for the country to accept. Mr. Canning said, that as he was himself no panegyrist of Buonaparté, he was not interested in refuting this calumny upon his character, which his admirers were unaccountably (as he thought) so forward in throwing upon it. He was not the person to proclaim Buonaparté as a hero, excelling in every great quality of the mind all those who have gone before him in ancient or modern times; but if he had been such an enthusiast in his admiration of Buonaparté he should have felt it rather awkward to mix with these praises an imputation of such meanness, such littleness of feeling, of such a poor creeping, pusillanimous spirit, as was implied by saying, "this great man with all his magnanimity, has one trifling peculiarity; he cannot bear to be spoken of with disrespect; he never treats with any government who have talked lightly of his character and conduct; it is a rule with him not to do so; rather than conclude a peace with such men he will continue the ravages of war, the distress of his own country, the interruption of the happiness of private families, all of which he has himself told us he naturally wishes to avoid more than any other man alive; but he will continue them for ever rather than negotiate with men who have spoken ill of him!" How far this might be the character and feeling of this extraordinary man, those who most admired him were best qualified to tell. For my own part (said Mr. Canning), having taken some share in former debates, in which that which is called abuse of Buonaparté was necessarily introduced, I am not sorry to have an opportunity of say a very few words upon this subject, especially as much has lately been said in this place of the unmanliness of the attacks which were made on the character of the first consul at the period when his overtures for negotiation were declined by this government, and of the shame which those who had any part in

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this language are now supposed to take to themselves, and the anxiety which it is apprehended they must feel to retract and disavow all that they then so rashly and illiberally uttered. Now, Sir, as I feel no sort of shame, and entertain not the smallest disposition to retract any thing that was then said, I wish to explain the principles upon which I spoke, and upon which I now maintain whatever I did then say. I do not know whether the hon. gentleman will quite understand me, because I do not know that we set out to argue this matter from the same principle; and if not, there is no hope of our coming to any understanding. My principle, Sir, is simply this: there is but one thing, which I never wish to forbear speaking when called upon, and which, having spoken, I can at no time feel ashamed of, nor consent to disavow, retract, or qualify; and that is the truth. If what was said of Buonaparté was untrue, that is an accusation of which I know the meaning, and which, if need be, I am prepared to argue. But if it was true, I confess I am at a loss to conceive where the shame lies, or where the necessity for contradicting it. If, indeed, the nature and essence of truth were capable of being altered by subsequent events, there might be some call for caution in uttering it, and there might be some room for qualification afterwards. But, if this be not the case, I really do not comprehend what is meant by desiring us, who said what we thought of Buonaparté's past actions at the time when we were called upon to examine them, and who still think precisely what we said of them, to take any shame to ourselves for our language. I at least still think as I then thought; and I do not see what ground the events of the last campaign can furnish for changing my opinion. If, for instance, in Buonaparté's invasion of Egypt there was treachery and fraud; if, in his conduct towards its inhabitants, there was unprovoked cruelty; if, in his assumption of the turban, there was impious hypocrisy; I called these qualities by their name: I call them so still; and I say that this hypocrisy, this cruelty, and this fraud, have left indelible stains upon his character, which all the laurels of Marengo cannot cover, nor all its blood wash away. I know, Sir, there is a cautious, cowardly, bastard, morality, which assumes the garb and tone of wisdom, and which prescribes to you to live with an enemy as if he were one day to become your friend; I distrust this doctrine for one reason, because I fear the same mind, which could pride itself on adopting it, would be capable of entertaining the doctrine which is the converse of it, and would prescribe living with a friend as if he were one day to become an enemy. If this be wisdom, I do not boast it; I can only say, Heaven grant me a host of such enemies, rather than one such friend!

So much, Sir, as to the moral question upon this point. But then, as to the practical result, what is it that gentlemen are afraid of? Do they seriously apprehend, that with such declared opinions of Buonaparté's personal character, ministers can never treat with him? Nothing surely can be more visionary than such an apprehension. If the nation with whom we are at war, thinking (I suppose) for reasons of its own, more favourably of his character, or for whatever other reason, choose to make this man the depositary of the power of the state, and the organ of its intercourse with foreign powers, ministers may lament—they may be surprised at such a choice; but where did gentlemen learn, that between these ministers, and a government whose character and principles they disapproved, there could be no treaty? Not from the experience of the present war; for in the time of the good old Directory, what floods of abuse were poured upon our ministers from the reading-desks of the assemblies! and yet I never heard this urged as an impediment to treaty, either on the part of France or of this country. Not from the history of former wars; for in the wars against Louis 14th, the addresses carried up from this and the other house of parliament, nay the sacred lips which spoke from the throne of this kingdom, breathed stronger invectives against that monarch than are to be found in any of the state papers so much complained of for the harshness of their language towards Buonaparté; and yet I never heard that these just invectives were considered as throwing any obstacle in the way of negotiation; or that, when the time of negotiation came, the conclusion of peace was in fact retarded by them. But perhaps there may be some distinction to be taken; perhaps the dignity of a lawful sovereign will bear without wincing rougher language than that with which it is decent or delicate to tickle the ears of an usurper.

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But neither, Sir, was the attack upon the character of Buonaparté a wanton and unprovoked attack, as the hon. gentleman would represent it. When Buonaparté challenged us to acknowledge and act upon the stability of his government before it was three days old, we doubted, as well we might, the stability of such a government, and thought all probabilities against it. To clear up our doubts, he referred us to his personal character, as the pledge both for the permanency of his power, and for the use which he would make of it. What were we to do? to acquiesce, without examination, in what we heartily and in our consciences disbelieved? or to examine the value of the pledge which was offered us, and to give our reasons for not being willing to accept it? We preferred the latter alternative, as in fairness and in common sense we were compelled to do. What ground, then, had we to estimate Buonaparté's personal character, but his past actions? These, therefore, we were obliged to scrutinize; in scrutinizing them we were struck with their deformity; and that deformity we were obliged to expose to the world as a justification of our own conduct. If the event has contradicted the expectations which it was natural to form under the circumstances of the time; if the extraordinary, and certainly unlooked-for, successes of the campaign have given stability to Buonaparté's power (for the present, at least, whatever may and must, in all human probability, be the ultimate fate of a power so acquired, and resting on such foundations); if the battle of Marengo, though it did not overthrow Austria, has subjugated France; undoubtedly, this change of circumstances may authorize and warrant a change of policy; and supposing the time to arrive when negotiation may be in other respects proper, undoubtedly (speaking my own individual opinion) I should say, that the question of Buonaparté's power would not now stand, as it before did most necessarily stand, in the way of negotiation.

It is indeed not surprising, that some gentlemen should wish to inculcate the apprehension, that an insurmountable obstacle to peace exists in the personal resentment and personal antipathy between Buonaparté and the present ministers of this country; as the obvious cure for such an incompetency on the part of ministers here would be to remove them. And I have been told that the proper steps have already been taken in this House to advertise for the succession to them. The usual and approved method on these occasions is, I believe for a gentleman to contend with all his might for the necessity of a change; and, while he argues that fitter men must be found to replace the present ministers, to disclaim for himself any pretension or wish to be selected for that purpose. Hereupon, the House is expected to express, by some token of acquiescence, its approbation of the change, and its dissent from the self-disqualification of the proposer. And "upon this hint he speaks;" but this hint, I am told, the House unluckily did not give on the occasion to which I allude. The change was proposed; the expediency of speedy new appointments suggested; the self-disqualification stated; but, all this while, the House did not appear to be at all moved; and so the thing fell flat; and, for the present at least, no change of ministers seems to be required.

The one plain question now before the House is, whether or no they will enable those ministers, while they have the conduct of affairs, to conduct them in such a manner as may make either war vigorous, or peace attainable? or whether, by the refusal to sanction the engagements which they have entered into with our ally, who has certainly fought the battle manfully during this campaign, and who declares himself still ready to persevere in our alliance, ministers are to be disabled from either continuing the war with effect, or negotiating with credit or advantage? It is for this House to consider whether the interests of the country will be best promoted, its character best maintained, and an honourable peace ultimately best secured, by breaking our engagements, by slackening our exertions; by giving proofs of bad faith, cowardice, and pusillanimity; by turning our back upon our ally, and resigning ourselves to a blind and stupid admiration of the prowess and fortunes of our enemy; or by fulfilling our engagements in the same spirit in which they were contracted; by furnishing the means of carrying on the war with vigour, in order that we may meet the hour of negotiation with dignity and confidence in ourselves; and by determining that, in whatever event, we will have nothing to lay to our own charge; that we will secure under all circumstances the consolation that we have not been wanting to ourselves or to others; and that,

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while we have provided most effectually for our own safety and honour, we have at the same time done all in our power to afford to the other states of Europe the means of maintaining their security and independence?—One word, and only one word more. The hon. gentleman tells us that Great Britain is become, by the folly of her present ministers, the dupe of most of the powers on the continent, and the laughing stock of them all. I would answer this from another part of the hon. gentleman's speech, in which he also tells us (and it was some comfort to hear it), that such is the envy which the situation of this country has excited throughout Europe, that we are in imminent danger from a confederacy, formed for the express purpose of reducing our exorbitant power and greatness. Now, Sir, how both these things can be true, I am at a loss to conceive. Contempt and envy do not usually exist together with respect to the same object. But if they be both true, and if the effect of the misgovernment of ministers has been only to increase the power and prosperity of the country; if, through their blunders, we have been duped into wealth, and deceived into aggrandizement; if we have been deluded and misled into a degree of greatness and power which excites the jealousy of our deluders; happy is that country whose misconduct turns out so fortunately for itself; and long may such misconduct, if such be its consequences continue.—"Velim, mehercule, cumistis errare, quam cum aliis rectè sentire!"

Mr. *Nicholls* approved of the subsidy, conceiving as he did, that the present juncture of affairs tended entirely to peace. It was true the minister had said nothing of negotiation, and this he thought wise; but he had sense to see that nothing but peace would save the country. The hon. member did not see why the minister could not make peace; no objection, on the part of France, to treat with him had been evinced. All his majesty's ministers were, he thought, desirous of peace, except those who were the disciples of Burke. "Bellum internecinum," was their cry, till the restoration of the ancient regime and noblesse of France. This, he was assured, was not the object of the chancellor of the Exchequer. He had the penetration to see, that nothing but peace would save the country; and on this occasion, therefore, he ought to be supported. Buonaparté also, a man possessed of a great and penetrating mind, could see that France possessed of every object for which she had fought, at length sighed for peace; he was therefore ready to meet the first offers of this country to that effect.

The resolutions were agreed to.

Debates in the Commons on the London Flour Company Bill.] June 6. Leave was given to bring in a bill to incorporate certain persons by the name of "The London Company for the Manufacture of Flour, Meal, and Bread." The said bill was brought in on the 9th, and read a first time. On the 10th and 11th, sundry petitions were presented against it.

June 16. On the order of the day for the second reading of the bill,

Lord *Hawkesbury* said, he felt himself called upon to say something on the principle of the bill, and also to state the real object of it. The bill provided, first, for the manufacturing of flour, which concerned the interests of millers; next, for the baking of bread, which interested the bakers. The bill had in view a reduction of the high price of flour. He would wish to extend to the baker every protection; and would propose, that the company should be limited in the number of the loaves they should bake, and in the quality of them. And lest the bill should be thought to bear hard upon the millers, the quantity of flour, as well as the capital of the society could be restricted. The plan proposed was not new; the experiment had been tried; and, for the five years that the Albion mills existed, had proved successful. He would wish that counsel should not be called in until the bill had gone through the committee.

Mr. *Plumer* thought the calling in of counsel in this stage of the bill highly necessary. The gentlemen who had associated in 1784, for the manufacturing of flour at the Albion mills, had applied for a charter of incorporation; counsel were heard before the attorney and solicitor general, and they opposed it. This, he thought, was a good argument why counsel should be heard immediately. On the destruction of the Albion mills, the price of flour fell; from this he inferred, that the idea of those mills keeping down the price was not correct.

Mr. *Hobhouse* thought, that counsel should instantly be called in. Should they be now heard, they might establish

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such a case as would go to the principle of the bill, and prevent all further evil from it.

Mr. *Tierney* thought it would be more convenient to hear counsel against the bill now. Such a bill could not be necessary but on the ground of improper practices on the part of the millers; and no argument had been advanced to show any such practices. It was a very unfair measure, as it regarded the millers. These incorporated gentlemen could only lose their share of 25*l.* each a man, while their competitors might lose their all. He contended, that a tenth of the consumption of the metropolis was a very large monopoly, and might be turned to the most mischievous purposes. He had no doubt but there would be considerable speculation as to these shares of 25*l.* each, and that speculative men would buy up the shares of others, till so many got into few hands as to enable them to set their own price on their commodity. The prejudice against the millers and bakers were ill founded. Their profits were very small. The bill had for its object the reducing the price of bread; but he could see no such consequence likely to result from it.

Mr. *Nicholls* said, that the bill was bad in its principle. It gave to the persons so incorporated an unfair advantage. As the law now stood, monopoly was impossible. The art of man could not devise a better mode of supplying the metropolis than that at present adopted.

Sir. *W. Pulteney* said, that gentlemen proposed by the bill to cheapen bread; and so they might for a time; but the objection was, that it might render bread so cheap as to hinder bakers from going on; and after the company had so done, they might take the profits of those they had ruined into their own hands. This would lower it at first, but afterwards the price would rise. He wished to hear counsel.

Mr. Alderman *Curtis* said, he was an enemy to all charters, and could not bring his mind to vote for the bill.

The question being put, That the said bill be now read a second time, the House divided:

Tellers.

Yeas	The Lord Hawkesbury Mr. William Dundas	55
Noes	Mr. Plumer Mr. Tierney	27

The said bill was accordingly read a second time; and the House being informed that counsel attended; a motion was made, and the question being put, that the counsel be now called in; the House divided:

Tellers.

Yeas	Sir William Young Mr. Pierrepont	28
Noes	Mr. John Smyth Mr. Bragge	47

So it passed in the negative. The bill was then committed. On the 23rd, the bill was reported. Counsel were heard against the bill, on the 24th, 25th, and on the 1st of July.

July 5. On the order of the day for the third reading of the bill,

Mr. *Tierney* said, he understood that several members of the House were petitioners for the bill, and that a still greater number were engaged in the speculation. He therefore suggested, whether they could vote upon this bill? In the case of the loyalty loan of 1797,* the law on this point was most ably and clearly laid down, and it was then stated, that no gentlemen could vote on a question in which his interest was immediately concerned. He knew that gentlemen frequently sat in committees, and voted upon canal and turnpike bills in which they were personally interested; but this was an exception, not the rule of the House. Now, by the provision of this bill, gentlemen were allowed to have 10 per cent for their money; if this did not imply an interest in those who were engaged in the speculation, he did not know what would constitute it.

The *Speaker* said, that the suggestion could only apply to those whose names were mentioned in the bill; other gentlemen might be concerned, but there was no evidence to establish their interest. The case of the loyalty loan in 1797, was, that when the House was in a committee of supply, it was proposed to vote some remuneration to the sufferers by that loan: some gentlemen at that time suggested to him a doubt how far those gentlemen, who, being personally concerned in the loan, were of course immediately interested in the resolution before the committee, had the right of voting. The substance of what he stated in answer, he believed to be, that in questions which immediately concerned the interest of gentlemen, they

* See vol. 33, p. 792.

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ought not to vote; but when the question related only to some part of a bill, or to the general tenor of a bill, which in some way or other might affect their interests, they were entitled to vote; and the instance by which he illustrated this opinion was, that gentlemen might vote on the general question of a loan being granted to government, and upon all the questions which might arise out of this, except that which went to fix the specific interest to be granted on the loan, though they themselves were the loan contractors. To apply this principle to the present case of the bill before the House: upon the single question fixing the amount of the interest to be allowed to the sharers of the proposed company on their money, such sharers ought not to vote; but on the second reading, or any other stage of the bill, or upon any other question arising out of the discussion, they were entitled to vote. This opinion he still held. He therefore conceived, that there could be no objection to any gentleman voting on the third reading, or even on the question of the passing of this bill, though he might be personally concerned in the establishment; and their votes could only be excluded upon this ground—in case any gentleman should move, after the third reading, an amendment relative to the interest to be allowed on the money advanced on the establishment.

Mr. *Ryder* perfectly coincided in the opinion just stated by the Speaker; but he conceived that there was an essential difference between the case of the loan in 1797, and the present bill. The resolution moved in the committee of supply at that time went to grant a certain advantage to those concerned in the loan; but, in this case, the advantage was perfectly contingent. This was a mere mercantile speculation, from which no ultimate profit might arise; and therefore, even upon the question of interest, he thought that gentlemen who had engaged in the speculation might vote.

Mr. *Sheridan* agreed in every point which had been stated by the Speaker; but he could by no means agree that the difference which Mr. Ryder had stated between the certain interest in the case of the loan of 1797, and the contingent interest in the present case, affected the general principle of immediate interest taking away the right of voting. The rule was absolute and certain, and in cases where a question of interest was to be decided, those immediately interested had no right of voting. It made no difference whether the advantage was great or small, whether it was certain or contingent. The interest remained, and with that the disqualification to vote. On the question that the bill do pass, he would move, that the profits should be reduced from 10 to 5 per cent. If the petitioners for the bill were really actuated by patriotic views, they would have no objection to being restrained to legal interest for their money.

The *Speaker* said, that if the hon. gentleman moved the amendment he had mentioned, it would then be for the House to determine whether those members who were interested had a right to vote. Even then the mode of proceeding would be to divide the House, to allow every gentleman to vote, and then, if the hon. gentleman objected to the vote of any member being received, he might move the House that it should not be counted.

Mr. *Plumer* said, that the object of the bill was, to contribute to the supply of the metropolis with bread, which was alleged to be affected by a combination among the millers. No evidence whatever had been adduced by the existence of this combination; but even if such a combination had really existed, the establishing of this company would increase the evil tenfold; because there would then be removed from the competition of the market a great number of individuals, and the market would be commanded by one large incorporated body, who would engross great part of the trade. A learned gentleman near him had, when the Albion mill company applied for a charter, given it as his opinion, as well as that of the then solicitor general, that no such charter ought to be granted.

The *Master of the Rolls* said, that as he had just been alluded to, he would offer a few words. It was true, that when the Albion mill company applied for a charter in 1784, the opinion of the then attorney and solicitor generals, the former of which offices he had the honour to hold, was taken as to the propriety of granting it. Their opinion was never formally given in to the crown; but he had signified to the agents of the company, that if they persevered in their application, he would give an opinion adverse to it. Upon this it was withdrawn. The principal objection in his mind to the granting of that charter was, that granting a charter to a company employing a vast

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capital, which might enable them to carry on the whole trade of the metropolis without any restriction, which was the object of the charter applied for, would be attended with extreme danger; and he still thought that granting charters without restriction, for establishments of this kind more particularly, would be productive of the worst consequences. As to the present bill, he had not fully made up his mind, whether the restrictions contained in it so far removed the danger as to authorize its being passed.

Mr. *Biddulph* said, that he was a subscriber to the proposed establishment, but no consideration should make him surrender his vote as a member of parliament; he would rather resign his money to any amount. He was convinced of the great utility of this establishment.

Mr. *Perceval* strongly opposed the bill. He was more and more convinced that the measure was most impolitic, unwise, and unseasonable. Every measure of this nature ought to be proportioned to the pressure. The only necessity which could be urged on the present occasion, was the scarcity which had prevailed. However, it had always been usual, when the legislature had made a law on the spur of any occasion, to limit the duration of the act to the emergency which called for it. The present scarcity, there was every reason to hope, would vanish with the next harvest; so that the present bill would only begin to operate when the evil had ceased. The supporters of the bill said, that they did not mean to make any charge against the millers and bakers; but surely the effects of the measure must be to say, that the millers and bakers got great profits from the people. If this was not the case, it would seem as if they thought there was a deficiency of mills to grind the corn necessary for the consumption of the metropolis. But on this head, there had not been a single witness produced; on the contrary, it had been proved, that the mills around the metropolis would grind in seven months, a sufficiency to supply the metropolis for twelve months. Why then, pass a bill which was to establish facts that had no existence, and which in the end might be productive of the most fatal consequences? The only evidence which the supporters of the bill had adduced, were statements on paper, and related to two objects, the Birmingham Union mills, and the Albion mills. Neither of these proved any thing materially in favour of the bill. The present bill must be attended with the most fatal consequences if it was suffered to pass. The company were to be allowed to take to their share an eighth of the consumption of the metropolis. In doing this, they went on a speculation very different from that of the millers, and which actually took away every idea of competition. If the company failed in any of their speculations, they could only suffer to the amount of their shares. If the millers failed in the same way, they might lose their all. He thought it wrong to trust any body of men with such a monopoly as would drive the present dealers out of the market, and throw the necessaries of life into the hands of a set of men, who would have it in their power to oppress the public, whenever they should think proper.

Lord *Hawkesbury* said, that if an argument urged by Mr. Tierney against those persons voting on the present measure who might have an interest in the proposed establishment was of any weight, it would also preclude from voting landed gentlemen who purchased their land tax, and monied men who held any share of a loan; in a word, it would deprive most members of the right of voting on the most momentous questions. It was evident, that the authors of the bill were not induced to bring it forward by the urgency of any particular calamity, but from an extended view of what might hereafter tend to produce its recurrence. The noble lord then went into an enumeration of the causes which contributed to diminish the consumption of bread: in years of scarcity one-sixth less was consumed than in years of plenty, and many parts of the grain were brought into use, which in plentiful years were not introduced into the food of man. The object of the present measure was, to establish a company which would manufacture a mixed and inferior kind of bread; and from this establishment he was convinced the public would reap great advantage, by its keeping down the price of bread. By the system now proposed to be introduced, traders on different principles would be brought to rival each other, and this rivalship would prove a spur to competition. The advantages that must be derived from the experiment were many; it would correct the evils that were aggravated by artificial causes, increase the means of sustenance by introducing into bread many parts of the grain

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not commonly used for the food of man, prevent combination, and promote competition.

Mr. *Sheridan* said, that the bill would prove highly detrimental to the interests of the public. There was no connexion between the proposed remedy and the evil to be removed. The real evil was the interference of government. The unfortunate war gave rise to this tampering of government with the article of corn; for, in order to distress the enemy, they had endeavoured to get the whole of the corn of Europe into their own hands; but a timely and economical importation was neglected. Upon the subject of scarcity, no good could arise from committees of inquiry. Indeed, it were to be wished that both the legislature and the government had their hands tied up upon this matter. The remedy now proposed would do no good. The real cause of the evil was the deficiency of grain; and this would be had in plenty, if the corn merchants were liberally dealt by, and a permanent law introduced to regulate importation, unchecked and uncontrolled by government. This was the only radical remedy.

The question being put, That the said bill be now read the third time, the House divided:

Tellers.

Yeas	The Lord Hawkesbury Mr. Rose	48
Noes	Mr. Perceval Mr. Plumer	44

The bill was accordingly read a third time. A number of clauses were then brought up by way of riders, and several divisions took place upon them.

Mr. *Sheridan* then called the attention of the House to a matter that materially concerned the purity of their proceedings. The question of the third reading had passed by a majority of four only; and it seemed though persons were interested in the bill, yet as it was of a mixed nature, partly public, partly private, they might be allowed to vote; but where the question was solely a matter of profit as this was, he must call on the Speaker to say, whether the voices of persons who were proprietors in the new charter could be allowed? It was understood there were several members in the House who stood in that predicament.

The *Speaker* said, that he understood it to be the rule which had governed the House in the case of the loyalty loan, that where a bill was partly of a public nature and partly of benefit to themselves, they might vote on the principle; but whenever the incidental point arose, in which their own interest lay, they could not, without indecorum, vote, nor would their voices, if questioned, be allowed. It was a delicate question; and he lamented that there was not a precedent by which the House, in this instance, could be guided. The inclination of his mind was, that this was a point which came within the rule.

Mr. Sheridan then moved, that the vote of William Devaynes, esq. be disallowed. Mr. Devaynes said, that he had paid no money towards this plan, but that he intended to subscribe. He was then directed to withdraw; and a long conversation took place on the nature of the cases that did and did not entitle members to vote where they had a personal interest. Mr. Rose, lord Hawkesbury, Mr. H. Browne and others, contended, that this was not a question which, even in decorum, obliged them to withhold their votes. The Speaker gave it clearly as his opinion, that it was a case which would govern his mind if he had to vote. Mr. Tierney said, the question was simply, whether a member was interested in a vote by which he was to give himself 10 per cent instead of 5, on a share which was transferable, and by which vote the share was to be increased in value, and might be sold the next day for more money? It was not here the minuteness of the interest, but the principle, which made the question. The question was, whether a number of members of parliament should grant to themselves, out of the course which the constitution had pointed out as the best means for securing the public against jobs, a charter which was to have an eventual benefit to themselves? On such a question, to say that their voting for 10 instead of 5 per cent was not the indecorum which the rule of the House had guarded against, was to compromise the character and the dignity of parliament. Mr. Perceval was of opinion that the bill was a private commercial matter, violating indeed all former commercial principles. The private interest was the first obvious view of the member when he voted for 10 per cent instead of 5, and therefore his vote ought to be disallowed. It was then resolved, that the vote of Mr. Devaynes be disallowed; as were also the votes of sir John Call, and Mr. Frere. Mr. Bid-

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dulph said, that he had ceased to be a subscriber to a plan which he approved, to prevent any doubt respecting the validity of his vote. The next name objected to was that of sir Robert Preston, who had gone away as soon as this discussion of eligibility commenced. The Speaker said, that they could not decide on the question without hearing what he had to say. A long discussion took place on what course they should follow. Could they proceed to pass a bill upon which a person had voted who was disqualified by his interest in the case? It was finally got rid of by moving that he should attend in his place on Monday; which was negatived.—Lord Hawkesbury then moved, that the bill do pass.

Dr. *Laurence* objected to the motion. It would be a most indecent and a most unparliamentary proceeding. Three voices were already disallowed. Another stood impeached. The question of the third reading had been carried only by four, and these gentlemen formed part of the division. He had very serious doubts in his own mind on the propriety of their voting on the principle: it was a private bill, not a public measure. The public benefit was professed indeed, but that was highly problematical. The whole conduct of the promoters of the bill was most extraordinary. He would therefore move, "That the debate be adjourned till Monday." The question being put, the House divided:

Tellers.

YEAS	Mr. Sheridan Mr. Tierney	- - -	17
NOES	Mr. Buxton Mr. Bragge	- - -	35

So it passed in the negative. The bill was then passed, and sent up to the Lords, where, upon its second reading on the 21st, and also in its subsequent stages, it was warmly supported by the earl of Liverpool and the Lord Chancellor, and opposed by the earl of Westmorland, the duke of Clarence, earl Stanhope, and lord Hobart.

Debate on Sir Francis Burdett's Motion respecting the State and Management of Cold Bath Fields Prison.] July 22. Sir *Francis Burdett* rose to move for an inquiry into the economy of the House of Correction in Cold-Bath-fields. He said, he had thought it would not have been necessary for him to take up one minute of the time of the House, as the papers which had been laid before them contained such incontrovertible proofs that the grossest abuses had been committed, and as every one testified an eager desire to have the affair sifted to the bottom. From some conversation, however, which he had lately had, he had become less confident. He was told, that unless a very strong case of abuse was made out: unless it could be proved that the magistrates had shown backwardness to redress the grievances complained of to them, and that applications to the inferior courts would be ineffectual, it would be improper for the House to interfere. Even these gentlemen, however, he hoped to convince of the necessity of immediate interference. The existence of numerous and flagrant abuses was clearly demonstrated by the papers on the table, as was likewise the misconduct of the magistrates. It was stated, in the report of the grand jury, that the prisoners had not bedding enough for the summer season; what, then, must be the wretchedness of their situation in winter, shut up in a damp cell, without even a fire-place? To this abode of misery were many sent before they were convicted, and even some not charged with a crime. The case of Mary Rich was too shocking to be described. From the unparalleled barbarity of her keepers, she had even become incapable of the purpose for which she was confined, and was unable to give evidence against the man who had attempted to ravish her. The manner in which these proceedings were justified, added to their enormity. She lay naked, because her only rug had been taken to cover a woman in labour she was stated to be a worthless girl, and to have said to a nurse, that she never would have complained if the gentleman had given her the money he had promised. But was this nurse to be believed, who was one of the double-allowance prisoners, whom the governor used well, that he might maltreat the rest with impunity? Even if the poor child was really unprincipled, was this any excuse for the barbarities she had experienced? "She was poor, and her parents in extreme indigence." So, poverty was a reason for inflicting cruelty upon the person it weighed down. The justices concluded their report by saying, that upon the whole, Mary Rich appeared to them to have been properly treated during her confinement. Did not this circumstance afford a damning proof of the negligence

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and insensibility of the magistrates? Such was the profligacy, such the want of feeling, and the sycophancy of the gaol committee, that shocking to relate, twelve magistrates had been found venal enough to return a verdict, that Mary Rich, a prosecutrix as she was, and not a criminal, had been duly and properly treated. A scene of iniquity hardly to be paralleled was declared by twelve magistrates to be innocent, and not to attach the smallest blame to its author! They had examined Mr. Aris; but was he the proper person to examine concerning his own atrocities, or the felony committed by his son? Why did they not examine the person from whom the silk handkerchief was stolen by the latter, and those who were eager to give evidence of similar abuses? However, since they were of opinion, that there was nothing wrong in the case of Mary Rich, it was probable they would declare the conduct of the governor and his son to be immaculate. There certainly attached the highest degree of culpability to the conduct of the gaol committee. Nay, to such a degree did their negligence extend, that they disregarded even the explicit charges of the body of magistrates in general, who had expressly pointed out certain articles of grievance, which the committee afterwards thought proper to scout. He regretted that the second report of the traverse jury had not been laid before the House, as it contained several facts of the greatest importance; and he regretted this the more as he now found that it might have been called for, the greatest regard being had to regularity and form. He could prove that it had been sent in a regular manner, directed to William Mainwaring esqr. chairman of the quarter sessions for the county of Middlesex. The first report was extremely defective, as many of the prisoners who were in the most deplorable condition had been kept out of view. He would state a few circumstances to show to what an extent the jury had been deceived, and what a loud call there was for the interference of that House. A man of the name of George Hart died upon the 3rd of June; and, though he must have been in the prison when the jury visited it, he never was produced to them. Another unfortunate man, named Cheneau, died on the 14th of July, and proof was repeatedly offered that he had been starved to death, and as often rejected. Luke Earley expired on the 15th, and a packed jury was sworn to return their verdict to the coroner, before whom no other evidence was called than that of the surgeon and his mate. Davis, one of the prisoners, had been asked, whether if he were brought before the jury, he could say any thing as to the cause of the man's death? and upon his replying, that he knew he had been starved, the governor had him rejected. Since the verdict had been given, application had been made to the coroner who took the inquest, in order that there might be a second inquiry. What the consequence of that application had been, he did not know; he believed a decisive answer was to be given in the course of this day. Surely, after what he had stated, no one would say there were not just grounds of suspicion. He had no hesitation in saying, that the committee of magistrates had most scandalously misconducted themselves, and that the whole of their proceedings called for the interference of the House. The courts below were pointed out as the proper places to be applied to. But how could a man whose last shilling had been extorted from him, who smarted beneath cruel oppression, and who trembled for oppression still more cruel, who was perfectly unknown (for one might easily be murdered there without the world being acquainted with the foul crime), and who had no way of informing his friends of his sufferings, apply to a court of justice for redress? These poor wretches were so completely in the power of the gaoler, that they dared not to complain. Nay, various instances had occurred, in which the rigour of confinement had driven them to suicide. It was true, that the prison possessed an infirmary; but the institution was perverted from its proper aim and object, and was accessible only to such as could afford to pay for it. He instanced a variety of cases, to show that much venality, plunder and extortion had obtained a footing in the economy of the gaol. "At Hick's-Hall, the Monday before last, when Mr. Dickie, the foreman of the traverse jury, and Mr. Beale, one of his colleagues, were present, one James Williams, who had been discharged from the prison the night before, came in, and told the justices, that the man who died the day before had, to his certain knowledge been starved to death, and that many pining for want were concealed in the remote cells. As he was going away, the gaoler's clerk ran behind him, put his hands into his pockets

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and tried to rifle him of his papers. He was carried back, and then Aris, and the clerk actually robbed him of these documents. The jury represented to the court that it was their duty to protect him; but their worships paid little attention. Upon the representation, however, of Mr. Agar, a barrister, they returned him all the papers, except one, which was a letter of great consequence: that was retained by Mr. Robinson, one of the justices. Was there ever a more nefarious proceeding? Did not this prove that applications to the magistrates would be perfectly ineffectual, and that it was impossible for the wretched prisoners to convey their complaints to a higher tribunal? But, even if they had the means of applying, the inferior courts were inadequate to correct the abuses complained of; they could redress the grievances of a single individual, but they could not redress those of the public. An enormous public grievance existed, and it could only be removed by the interference of that House. He had only given a few out of many instances of abuse which he could have mentioned; these he would prove at the bar, if an opportunity were afforded him. Several magistrates, it would appear, had complained, though the prison committee turned a deaf ear to their complaints. The House stood in a delicate predicament:—one of the arguments for smothering all inquiry was, that it would be a libel upon the House, if, after what had happened, the governor should be found guilty. He did not demand redress for individuals, but he demanded a vindication of the rights of the community. He hoped the House would show that, whatever differences might exist on political subjects, all were resolved to protect the injured, to rescue the wretched from oppression, and to show that cruelty was not to be inflicted with impunity, even on the lowest and most profligate. Sir Francis concluded by moving, "That this House will to-morrow resolve itself into a committee of the whole House, to inquire into the State and Management of the Prison in Cold Bath-fields."

The *Attorney General* said, that however he might disapprove of the motion, he hoped that considerable good would be produced by this discussion. He could, however, by no means approve of the House interfering in what was properly the province of the executive government. The particular instances of improper conduct adduced could not fail to be lamented by every gentleman. But there was a remedy provided by the law. If a man died in prison, the coroner had power to sit upon his body, that the cause of his death might be ascertained. In the case of Hart, a coroner's jury was held upon the body, and it appeared to this jury that the man had been ill ever since he came into the prison; that he was of a scrophulous habit; that he had been on a milk diet; that he had indulged in lying almost constantly in bed, which had increased his disorder; and that these things were the true causes of his death. The hon. baronet had stated some offences of the highest nature to have been committed by the keeper of this prison. But if such offences had been committed; if any prisoner had been starved to death, (as alleged), the proper way of proceeding against them was to indict them for murder. The foreman of the traverse jury had adopted a very injudicious line of conduct. Instead of making representations to the committee of magistrates, he ought to have laid the facts before the grand jury, as grounds of criminal indictment. If the conduct of the magistrates had been culpable, then it was in the power of the executive government to direct the law officers of the Crown to prosecute them in the court of King's-bench; and if the charges against them were proved, that court would punish them, either by striking them off the list of magistrates, or in some other legal way. If then, the law had provided other means of redress for the grievances complained of, if they could be discussed with more calmness in another place, and if it was foreign to the peculiar business of the House to interfere in such cases, he hoped the motion would be rejected.

Mr. *Sheridan* said, that the worthy baronet had made out a clear and insurmountable case in support of his motion. The learned gentleman had said, that these grievances could be, with more propriety, discussed elsewhere—by his majesty's ministers, who seemed hitherto not to have discussed them at all. The report of the committee of the House which inquired into this subject last year, allowed that none of the regulations had been strictly adhered to; but it concluded, at the same time, with high encomiums on the prison in general, as to its utility and advantages. But I think it would be

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no difficult matter to prove that they were egregiously duped, and misled in their opinions and conclusions. If the House would consent to enter into an inquiry, he would pledge himself to prove, that no comfort or convenience could be procured without a bribe to the gaoler; that even the infirmary was shut to the sick who had not money to purchase their admittance into it. To the eternal disgrace of the justice of this country, this man, Aris, after all these acts of criminality, continued in the exercise of his office.—The learned gentleman had said, that the prisoners might apply to the King's-bench. How was it possible, even had they the means of such an application, that prisoners could convey their complaints against a man who was their head gaoler, and who had three of his sons for his turnkeys? The very attempt might draw upon them worse treatment than they had experienced before. Mr. Sheridan next adverted to the case of Cheneau, and read a letter from James Williams, describing the melancholy case of that unfortunate man, as well as the severe treatment to which he himself was exposed. Would not the House interfere in a case of this black nature, or if they refused, must they not seem not only to neglect their duty, but to make a common cause with Aris? If these things were so, it was the duty of the House to interfere. Ministers must have the feelings of other men; they must be shocked; and though the House were to do nothing, he did not doubt that some good would result from this discussion. But no remedy could be effectual without repealing the law which gave such power of inflicting misery, and without making new regulations as to solitary confinement.

Mr. *W. Dundas*, as chairman of the committee of the House of Commons who made a visitation to the prison in Cold-bath fields, recapitulated the proceedings of that committee, and argued, that from every appearance in the prison at that time, it seemed a place well conducted, and in every respect healthy and convenient. It might be true, that very improper treatment had taken place in the case of Mary Rich; and the report of the committee of magistrates respecting that case could not be too severely reprobated. But admitting those two propositions, it did not follow that they were such as to render a parliamentary inquiry necessary in the first instance. As to the complaints now brought forward, they were of a nature which certainly required that some effectual steps should be taken to prevent their recurrence.

Mr. *Martin* said, that the person who devised these solitary cells, the late Mr. Howard, was certainly one of the worthiest men that had ever existed; but if he had been one of the worst, he could not have suggested a punishment of a more cruel and mischievous description. He would not pretend to judge what was the state of other men's nerves; but with respect to himself, he was convinced that solitary confinement in such a cell for one month only, would reduce him to a state in which he would be fit for no other place than a cell during the remainder of his life. This kind of punishment was inconsistent with the constitution of the country, and he hoped to live to see it completely abolished. There was reason to conclude, from the impression which the facts now before the House seemed to make on the gentlemen over the way, that some modification would take place which would alleviate the horrors of such a situation.

Mr. *Tierney* said, that all that appeared of the proceedings of parliament upon this subject was the report of the committee; but after the facts which had come out, with respect to the conduct of the magistrates, the House could not wish that report to remain without some contradiction. Gentlemen seemed disposed to resist the proposed inquiry, on account of the lateness of the session; he would therefore propose, as a medium, that the present motion should be withdrawn, and an humble address voted to his majesty, praying that he would be pleased to order an inquiry into the state of the prison in Cold-bath fields.

Mr. *Pitt* was ready to admit that ground had been laid to justify such an address. He would therefore concur in a motion for an address, if the hon. baronet would withdraw his motion.

With the leave of the House, sir Francis Burdett withdrew his motion, and substituted in the room of it, "That an humble Address be presented to his majesty, praying that his majesty would be pleased to give directions to cause an inquiry to be made into the state and management of the prison in Cold-bath fields." The motion was put and carried.

Debate in the Commons on the East India Budget.] July 23. The house having

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resolved itself into a committee of the whole house, to which the East India Company's Revenue Accounts were referred,

Mr. *Dundas* rose and said:—The subject for the consideration of the committee is the state of the finances of the East India Company, during the official years 1798-9 abroad, and 1799-1800 at home, with the estimates, in both instances, for the following years. When the statements for the two years immediately preceding were brought forward, it was, upon each occasion, particularly explained, that from accident the investigation of this important concern, in due course, had been interrupted. The material consequence attaching to the preservation of the official periods, in a regular and connected succession, was likewise pointed out; and the prospect afforded, that by the receipt of the documents expected from India, this branch of the business would be soon again placed in its accustomed channel. A literal obedience to the directions of parliament, in this regard, is at all times desirable; but the production of the accounts now before the committee is of singular moment, from the anxiety which must naturally arise, to obtain some discovery of the expenses incurred, and the advantages to be expected, from the brilliant events within the periods to which they relate: I have, therefore, the greater satisfaction in being enabled to remark, that by the opportune arrival of advices from India, the order of investigation prescribed by the act is again established, with the exception only of the lapse of a few weeks, which may not be considered material, as the accounts are presented within the session, according to the dates required. It is, however, necessary to premise, that as at the periods to which the actual accounts abroad are made up, it was impossible to obtain exact statements of the military disbursements, in consequence of the extended stations of the many detachments from the army in the field, some variations may be hereafter expected. As an explanation of the nature of the accounts does not appear requisite, I shall only here state, that I have, according to my constant practice, entered upon a minute examination of their extensive detail; and that it is my intention, as on former occasions, to arrange the whole in the point of view, that it may be rendered as clear and intelligible as possible. It was fully my intention, as stated to the committee in my last address upon this subject, to have now entered comprehensively into the consideration of this great concern in its every relation; but the lateness of the arrival of the accounts from India, and the incomplete state of them, as to the object particularly in view, oblige me to defer it till the next session. I shall, nevertheless, upon the present occasion, endeavour to afford every requisite explanation of the numerous variations which appear in the several accounts, and likewise offer a few observations, arising from the general view of the company's affairs, in order to lead to correct inferences on their actual situation.—Mr. Dundas then went into a detailed statement of the revenues and charges of the several presidencies in India, of which the following is the

GENERAL VIEW.

RESULT OF THE YEAR 1798-9, COLLECTIVELY.

Revenues.—Bengal	6,153,615	
Madras	2,109,220	
Bombay	374,586	
Total Revenues		8,637,421
Charges.—Bengal	4,124,291	
Madras	3,543,686	
Bombay	1,270,622	
Total Charges		8,938,599
Nett charge of the three presidencies		301,178
Add, Supplies to Bencoolen, &c.		120,661
Total		421,846
Add further Interest paid on debts—		
Bengal	509,900	
Madras	160,488	
Bombay	57,107	
		727,495
Deficiency of the Revenues from the Territories, &c.		1,149,341
Deduct, Amount Sales of Imports		542,941
The Difference		606,400

is the amount in which the charges incurred, and the interest paid on the debts, have exceeded the resources from the territorial revenues, and from the sales of imports.

Amount advanced for purchase of Investments, Payment of Commercial Charges, and in aid of China Investments.

Bengal	877,684
Madras	403,957
Bombay	189,138

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Bencoolen, ...	36,845	
Total Advances for Investment		1,507,124
Cargoes' invoiced from India to Europe in 1798-9, with charges		1,224,504

GENERAL VIEW.

RESULT OF THE ESTIMATES 1799, 1800, COLLECTIVELY.

Revenues.—Bengal	6,196,733	
Madras..	2,507,594	
Bombay..	368,366	
Total Revenues		9,072,623
Charges.—Bengal....	4,157,553	
Madras..	2,739,230	
Bombay ..	1,450,476	
Total Charges		8,347,259
Nett estimated Revenue of the three Presidencies		725,434
Deduct, Supplies to Bencoolen, &c.....		100,920
Remainder		624,514
Deducted from interest on Debts		915,687
Nett Deficiency from the Territorial Revenues		291,173
Deducted from estimated Amount Sales of Imports		624,727
The Remainder		333,554

is the amount estimated to be applicable in the year 1799—1800, to the purchase of investments, payment of commercial charges, &c.

DEBTS IN INDIA.

Amount stated last year.....	11,032,645
Amount this year	12,995,526
Increase	1,962,881
Debts transferred in the year....	274,516

DEBTS BEARING INTEREST.

Amount last year.....	8,933,648
Amount this year.....	10,190,528
Increase of Debt bearing Interest	1,256,880
Amount of Interest payable by the Accounts of last year	758,135
Amount of Interest payable by the accounts of this year	915,687
Increase of interest payable annually	157,552

ASSETS IN INDIA.

Consisting of Cash, Goods, Stores, &c. last year.....	9,922,903
Ditto by the present statements	10,259,107
Increase of Assets	336,204
Deduct, Increase of Assets from Increase of Debts, the state of the Company's Affairs in India is worse by	1,626,677

HOME ACCOUNTS, presented 24th April and 11th instant.

Aggregate Amount of Sales 1799, 1800		10,160,610
Less than last year		154,646
Deficiency on Company's Goods alone..	969,339	
Excess on Private Trade Goods.....	797,021	
Excess on Sale of Neutral Property..	107,672	
The Sales of the Company's goods estimated at		7,863,000
Actually amounted to		7,867,727
Less than estimated		495,273
The Receipts on the Sales of the Company's Goods estimated at		7,840,528
Actually amounted to		7,209,849
Less than estimated		630,679
Charges and profit on Private Trade, estimated at.....		120,000
Actual Amount..... ..		202,969
More than estimated		82,969

GENERAL RESULT.

The Balance was expected to be against the Company at the close of the year 1799, 1800 to the amount of	565,988
Whereas, notwithstanding the deficient receipt from the Sale of the Goods, and notwithstanding the aid afforded to India and China exceeded the estimate, by a small issue of Bonds by a less Payment on Customs and Freights, and by the protraction of the intended Payments to the Bank, the actual Balance proved to be in favour	403,322
Being better than estimated	£. 969,310

ESTIMATE 1800, 1801.

Receipt for Sales of Company's Goods	6,201,000
Result—The balance is expected to be against the Company on the 1st of March 1801	368,013

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In consequence of large payments on account of India and China, and of the intention of liquidating the whole of the debts due to the Bank, reckoning only on the produce of the sales, on a receipt from government in part of claims, and on the sale of the loyalty loan.

DEBTS AT HOME.

On the 1st of March, 1799	£7,103,762	
On the 1st of March, 1800	5,830,222	
		1,273,540

ASSETS AT HOME AND AFLOAT.

On the 1st of March, 1799	17,119,628	
On the 1st of March, 1800	16,185,950	
Decrease		933,678
Deducting the increase of assets from the decrease of the debts the state of the affairs at home, is better to the amount of		339,862

CHINA AND ST. HELENA.

Balance at China last year against	1,073,607	
Ditto by present accounts ditto	220,022	
Better this year at China		853,585
Balance at St. Helena on the 30th September, 1797, as stated last year	54,248	
Ditto on 30th September, 1798, by present accounts	62,235	
Increase at St. Helena		7,987
Total improvements at St. Helena and China		861,572

GENERAL COMPARISON OF DEBTS AND ASSETS.

Increase of Debts in India		1,962,881
Decrease of Debts at home		1,273,540
Nett Increase of Debts		689,341
Increase of Assets in India	336,204	
Decrease of Assets at home	933,678	
Decrease	597,474	
Deducted from Balance at China, which was better by	853,585	
Ditto St. Helena ditto	7,987	
	161,572	
Nett Increase of Assets		264,098
Deducted from the above increase of Debts shows the state of the Company's affairs in a worse point of view than in last year by		425,243
To which add, the amount of Cargoes to India included in the home Assets arrived in India so as to be included in the stock there		202,450
The Total		627,693

is the amount in which the general state of the company's concerns is worse than by the statement of the last year.

Having accomplished the investigation of the numerous accounts, and, I trust, arranged the whole subject to which they relate, in as clear and intelligible a point of view as its extensive nature would admit; the completion of the plan originally proposed for the consideration of it will only require a few further observations, in the way of recapitulation, in order to lead the attention of the committee to correct inferences on the general view of this great concern. In so doing, the foreign concern and the home will be placed in two distinct branches; the propriety of which will probably seem obvious, from their different aspect in a financial view. On this principle, the affairs of India will be first attended to. When this subject was last before the House, the distance of the period from the dates of the actual accounts, and the knowledge of events which had occurred since the formation of the estimates for the year 1798-9, enabled me to draw tolerable accurate conjectures, that the charges would much exceed the sum estimated; and my suspicions to that effect were accordingly stated. The result has been as expected; and it appears that the expenses have not only considerably exceeded the estimate, but have likewise been far beyond the ability of the ordinary resources, notwithstanding they were great, and productive beyond all former precedent. The distinct explanation of every additional charge will have afforded an idea of the cause of the increase; and the remarks on the military charges, particularly where it has mostly fallen, will have shown, that the enormous expenses have been occasioned by the critical situation in which the governments were placed, which led to the necessity of having recourse to hostilities. The increase of the military expenses, for several past years, has often been

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remarked to the committee, and the causes have been explained, whether permanent or otherwise. The many important advantages derived from the successful operations of the British arms were likewise detailed. A reasonable hope was entertained, from the expulsion of European rivals, that the company's power was established upon a basis not soon likely to be disturbed; especially as no means were left untried to convince the native powers of our fixed determination faithfully to adhere to the stipulations of treaties, and to act upon principles directed by moderation and justice. But as it is not my intention at this time to enter at large upon the political relations of the company, I shall only observe, that the great drain upon the resources of the year in question has been occasioned by the war with the late Nabob, Tippoo Sultaun. As the House have already received most ample information with regard to the origin, progress, and conclusion of this war, and have also signified their unanimous approbation of the conduct of those concerned in the direction of it, any further explanation of its grounds is needless; and it will suffice for me to confine my remarks to the past and future effects upon the finances.

The indispensable necessity of every measure to insure success is completely obvious. Although a lavish expenditure, in any event, is always to be guarded against, parsimony, or an ill-judged economy, on an occasion in which it has fully appeared that the British interests in the East were at stake, would have been impolitic in the extreme. Every practicable addition to the effective force was essentially requisite, as well as the most extensive supplies in every department. That the means were proportioned to the end, has been fully proved in the issue. The effect upon the Indian treasuries was such as might naturally be expected. The resources, including the assistance from Europe, were not equal to the demands; and no other mode presented itself to supply the deficiency in this regard, or provide funds, that the trade might not be totally relinquished, but that of loans to a large amount. Having formerly illustrated the prudence and propriety of continuing the investments, under circumstances of such extreme difficulty in raising funds, I shall only now refer to those observations, and to the decided opinion I gave a short time back as to the expediency of pursuing the same system at all times; but this part of the subject will more properly remain to be considered in connection with the affairs at home.

From the remarks hitherto made, the conclusions, in so far as the finances are concerned, appear truly inauspicious, exhibiting only exhausted treasuries and accumulated debts. I have no small satisfaction in being enabled to observe, that a much more favourable side of the question remains to be stated. The circumstance of the administration of the whole of the revenues experiencing little further interruption than might have been expected in the time of the most profound peace, and their realization, with but small exception, might, in the first place, be mentioned; likewise the punctual discharge of the several subsidies by the princes in alliance with the company, as affording, particularly in the former instance, a proof of the permanence and stability of the resources; but having more immediately in view the signal benefits obtained from the late events, I shall direct my observations to them. The governments in India are relieved from the anxieties to which they were perpetually exposed from a powerful and enterprising enemy, whose principles of ambition and inveteracy led him even during times of apparent peace, and under the most specious declarations of adherence to treaties, to every perfidious attempt to undermine the interests of the company with their allies, to seduce their own immediate dependants from their allegiance, and to raise formidable combinations for their destruction. The expenses incurred from the necessity of being always prepared to resist the attempts of this dangerous neighbour, have been immense. Those incurred by the demolition of his power, and conquest of his dominions, cannot be regretted; especially when, in addition to the security derived from the removal of a most formidable enemy, other extensive advantages are adverted to. The alarms which have been entertained for the safety of the possessions on the peninsula of India for many years, from this power, in direct and avowed connection with our natural enemies, being removed, and the turbulence of our own immediate tributaries being thereby effectually checked, it is to be expected that the military expenses may be much reduced; from which, with the additional

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resources obtained from the accession of territory, there is every prospect that, at no distant period, the treasuries will be replenished, the debts diminished, and every effect exhibited in the accounts before the committee fully repaired.

The facility procured for trade over a great additional tract will tend to promote the commercial interests of the company, and will open a more extensive market for the manufactures of this country. As from the general view of the whole situation of the affairs in the East, either as it respects the internal state of the provinces, or the connection with other powers, there is every reason to conclude, that the influence and prosperity of the company are established upon a permanent basis; the inferences suggested from the mere inspection of the present statements will be materially changed, and the attention will be directed to the advantages which I hope the committee will admit are most evidently presented.

The home affairs offer a very favourable view, whether their state be considered as directly shown by the accounts now before the committee, or by the general complection of the trade. The continuance of the demand for the produce of India fully demonstrates the advantages resulting from the measures adopted for the consignment of investments. The sales for the immediate account of the company, notwithstanding they fell short of the amount in the preceding year, have been very productive. The debts are below their ordinary level; and the value of the assets being in a far greater proportion above, are proofs of the amended situation of the home concerns. From the produce of the sales, the company have been enabled to make advances in repayment of the consignments from abroad to a great amount; of these a considerable part has been applied in the export of goods from this country. The reduction of the debts to the Chinese merchants shows, that this valuable branch (the China trade) is again restored to a flourishing state; and the immense sale of the teas furnishes a proof of the propriety of the remarks offered on the subject, on the examination of the accounts of last year.

The final result of the whole is, the financial departments in India have experienced material deterioration from the united pressure of war expenses and provision of investments, but not in a degree to afford ground of alarm. A large proportion of the increase of the debt has been the occasion of adding to the assets; from whence the home concern has been considerably enriched. It certainly is of the first importance to devise a method, by which the present burthens on India may be relieved; and I am happy in being enabled to remark, that the means for accomplishing this desirable object are to be found in various ways:—in principles of economy, as to the future expenditure; and in a proper application of the increased resources abroad. An examination must likewise be made, by what mode the home treasury can contribute to the diminution of the foreign debt.—From the circumstances of the war, the establishments have been considerably extended. It will be a point of my diligent and close attention that every practicable reduction shall be carried into effect; from which, with the favourable prospect to be indulged from the stability and permanence of the resources, and the unexampled prosperity of the commerce, no apprehensions need be entertained on account of the magnitude of the present debt: I am prepared, indeed, to meet it at fourteen millions. My confidence in the means of retrieving the state of the finances abroad is further strengthened, by reference to the experience of former times. The situation of the company on the first establishment of the present system, is well known to have been such, that the full extent of their difficulties could not be ascertained till the year 1786. In the year 1797 I took occasion to offer to the committee a most flattering view of the surprising improvement brought about in the course of ten years. The reduction of the debts, and the increase of the assets, were to an amount exceeding 11,100,000*l.* sterling. It is true, that within that period money had been raised on additional capital, to the amount of 3,740,000*l.*; but it must likewise be taken into consideration, that the remainder may be termed a nett improvement, under the events of an Indian war, at one time threatening serious disasters, though finally concluded highly to the advantage of the company; under the events likewise of the present European war, during four years of the period, which caused enormous additions to the expense of freights, and of the provision of every article of equipment; and occasioned also great expenses by several

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expeditions, from which our rivals were deprived of their possessions in the East. But I have carried the comparison three years further, which will take in a great part of the immense expenditure of the late war with Mysore, and find, that the improvement, during these thirteen years, on the same principle, is 11,880,000*l.* If it be inquired what is the state of the concern between 1796-7, and the date of the present accounts, in which period the extraordinary pressure has been mostly felt, it is satisfactory to discover, that without any aid from increase of capital, the improvement has still been 747,000*l.*—It is fair then to infer, that so far from apprehensions, the most sanguine hopes may be indulged from the present general aspect of the company's affairs, whether considered politically or commercially; that unless any thing unforeseen should occur, the debts may, in a few years, be reduced to the amount at which it may be prudent to limit them; and that the surplus produce of the revenues may be applied to the purposes intended, when the last arrangement took place. I beg leave to conclude, by submitting, as usual, the resolutions suggested from the accounts upon the table.—Mr. Dundas then moved his several resolutions, which were agreed to.

Mr. Tierney's Finance Resolutions.] July 21. Mr. Tierney rose to move certain Resolutions relative to the state of the Public Finances. He had not the least inclination then to enter into their merits; and thought it would be better that they should be barely laid upon the table, and discussed on some future day. The Resolutions were accordingly laid on the table, and are as follow:—

FINANCE RESOLUTIONS.

1. That the amount of the public funded debt, on the 1st Feb. 1793, was 238,231,248*l.* exclusive of long and short annuities, and annuities for lives to the amount of 1,373,550*l.*; of which sums, stock to the amount of 10,242,100*l.* had been purchased by the commissioners for redeeming the national debt, and annuities to the amount of 79,880*l.* had fallen in; reducing the actual amount of the debt, on the 1st Feb. 1793, to 227,989,148*l.* and the annuities to 1,293,670*l.* And that on the 1st Feb. 1800, stock to the amount of 32,401,845*l.* and annuities to the amount of 119,880*l.* had been redeemed, and had fallen in; reducing the actual amount of debt existing before the war, on the 1st Feb. 1800, to 205,826,403*l.* and the annuities to 1,253,670*l.*

2. That the total amount of stock created since the 5th Jan. 1793, (including the amount created by the sums borrowed in the present session, and after deducting 12,328,449*l.* purchased by the commissioners on the 1st Feb. 1800,) is 252,964,226*l.* of which sum the interest on 7,502,633*l.* is payable by the emperor of Germany, and the interest on 15,315,000*l.* is payable by Ireland; and that annuities have been granted, since the 5th Jan. 1793, to the amount of 542,664*l.* per ann.; of which 9,791*l.* is payable by Ireland, and 230,000*l.* by the emperor of Germany.

3. That the total amount of the public funded debt (after deducting 44,733,294*l.* purchased by the commissioners, and 12,133,371*l.* on account of land-tax redeemed) was, on the 1st Feb. 1800, 446,657,258*l.*; of which sum 22,817,633*l.* is on account of Ireland and the emperor of Germany; leaving a funded debt charged on Great Britain of 423,839,625*l.* including 56,445,000*l.* provided for by the tax on income: and that the amount of annuities charged on Great Britain was on the 1st. Feb. 1800 (after deducting what have fallen in), in short annuities 548,930*l.* and long annuities 1,007,612*l.*

4. That the sum applicable to the reduction of the national debt was, on the 1st Feb. 1793, 1,427,143*l.* and on the 5th Jan. 1800, 4,649,870*l.*

5. That the annual charge incurred by the permanent debt, on the 5th Jan. 1793, was 10,325,866*l.* including 1,000,000*l.* applicable to the reduction of the debt; that the annual charge incurred by the permanent debt, created since the 5th Jan. 1793 (exclusive of interest payable by Ireland, and including the charge incurred by the loan of the present session) is 8,582,395*l.* including 1,901,700*l.* applicable to the reduction of debt; and that a farther charge of 497,735*l.* per annum is guaranteed by parliament, in default of payment of the interest of certain loans by his majesty the emperor of Germany.

6. That, exclusive of anticipations of the receipt of certain taxes, and payments on loans, to the amount of 8,360,960*l.* the unfunded debt in exchequer bills, unprovided for, or provided for out of funds which have proved insufficient, was, on the 5th Jan. 1800, 11,999,740*l.* That the debt of the navy, remaining to be provided for, was, on the 5th Jan. 1800, 5,992,288*l.* That, under the heads of treasury, army, barracks, advances from civil list, deficiency of ways and means for 1799, and re-payments to be made for services not voted, but paid out of grants for 1799, outstanding demands, as far as the same can be made up, remained to be provided for on the 5th Jan. 1800, to the amount of 2,048,540*l.* And that the total amount of exchequer bills, navy debt, and demands outstanding, unprovided for on the 5th Jan. 1800, was 20,040,568*l.*: of which sum 7,548,272*l.* has been since provided for out of the loan of the present session, leaving an unfunded debt

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unprovided for, of 12,492,296*l.* exclusive of 3,000,000*l.* advanced as a loan to the public by the Bank, for the renewal of the Bank charter.

7. That the nett produce of the old permanent taxes existing previous to the war, was, on the 5th Jan. 1793, 14,284,000*l.* That the nett produce of the old permanent taxes existing previous to the war, was on the 5th Jan. 1800, 15,586,504*l.* That the nett produce of the taxes imposed since the 5th Jan. 1793, amounted, in the year ending the 5th Jan. 1800, to 8,205,290*l.* And that the total nett produce of the permanent taxes, on the 5th Jan. 1800, amounted to 23,791,794*l.*

8. That the total official value of all imports into Great Britain, in the year ending the 5th Jan. 1793, was 19,659,358*l.*; and on an average of six years, ending the 5th Jan. 1793, was 18,685,899*l.* That the total official value of all imports, in the year ending the 5th Jan. 1800, was 29,945,808*l.*; and on an average of six years, ending the 5th Jan. 1800, was 24,505,125*l.*

9. That the total official value of British produce and manufactures exported, in the year ending the 5th Jan. 1793, was 18,336,851*l.*; and on an average of six years, ending the 5th Jan. 1793, was 14,771,409*l.* That the total official value of British produce and manufactures exported in the year ending the 5th Jan. 1800, was 24,084,088*l.*; and on an average of six years, ending the 5th Jan. 1800, was 18,804,254*l.*

10. That the total official value of foreign merchandize, exported from Great Britain in the year ending the 5th Jan. 1793, was 6,568,346*l.*; and on an average of six years, ending the 5th Jan. 1793, was 5,469,014*l.* That the total official value of foreign merchandize, exported in the year ending the 5th Jan. 1800, was 11,906,608*l.*; and on an average of six years, ending the 5th Jan. 1800, was 11,677,381*l.*

11. That the total sum to be raised in Great Britain in the year 1800 may be estimated as follows, viz.

Interest of public funded debt, charges of management and sinking fund, on the 5th Jan. 1800, after deducting the interest payable by Ireland ..... £.	19,307,000
Interest, &c. to be incurred and paid between the 5th Jan, 1800, and the 5th Jan. 1801, on stock created by loans in the present session to the amount of 18,500,000*l*	962,850
Interest on exchequer bills, estimated to be the same as paid in the year ending the 5th Jan. 1800	1,021,626
Civil list	898,000
Other charges on the consolidated fund, estimated to be the same as in the year ending the 5th Jan. 1800	239,297
Civil government of Scotland, pensions on revenue, militia and deserters warrants, and bounties for promoting fisheries, &c. estimated as before	647,183
Charges of management of the revenue, estimated as before	1,629,297
Estimated charges of collecting income tax	150,000
Supplies voted for 1800, exclusive of vote of credit, 1799	35,686,552
Advance to Ireland	2,000,000
Vote of credit for probable contingencies	1,400,000
Interest payable for imperial loans	497,735
£.	64,404,012

12. That it appears by the report of a Committee of this House in 1791, that the actual expenditure of the peace establishment (including the annual million for the sinking fund) was, on an average of five years, ending the 5th Jan. 1791 16,816,985

That the additional charge incurred by debt created since 1793, exclusive of interest payable by Ireland, is	8,582,395
That the additional charge to be incurred for increased amount of exchequer bills outstanding, is	55,000
That the additional charge to be incurred for interest of navy debt is	150,000
That the additional charge incurred on the consolidated fund is	131,650
That the additional charge incurred for a sum annually voted for redemption of debt is	200,000
That the additional charge on 13,000 seamen, the number employed in the last peace, from augmentation of pay, addition to their provisions, and increased price of naval stores, cannot be estimated at less than	351,000
That the additional pay to the army, on the same number as in the last peace, deducting stoppages, cannot be less than	170,000
That the increased charge of half-pay and Chelsea, cannot be estimated at less than	130,000
That the increased charges of the ordnance, calculated on the numbers in the last peace, cannot be estimated at less than	49,300

And that the future peace establishment (exclusive of any charges to be incurred by interest on sums to be paid on winding up the expenses of the war, exclusive of any augmentation in the naval or military establishments beyond the last peace; and exclusive of 497,000*l.* inter-

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est due by the emperor of Germany, and guaranteed by parliament), cannot be estimated at——— less than 26,636,530

13. That the gross produce of the tax on income for the year ending the 5th April 1800 (exclusive of voluntary contributions), did not exceed the sum of 5,801,624*l.*

14. That the amount of 3 per cent stock (of which the interest is to be defrayed, and the principal to be redeemed by the tax upon income) created in 1798, was 16,000,000*l.*; in 1799, 19,250,000*l.*; and in 1800, 21,195,000*l.*; making a total amount to be redeemed by the tax on income, of 56,445,000*l.*

15. That, supposing the war to end with the present year, the nett annual produce of the tax on income to be 6,000,000*l.* and the 3 per cents to be on an average at 80, the sum of 56,445,000*l.* together with the interest thereon, would not be redeemed until the beginning of the year 1810; and that the probable annual expenditure during the first nine years of peace (exclusive of any charges to be incurred for sums to be paid on winding up the expenses of the war, or any increase in the naval or military establishments, beyond the last peace), cannot be estimated at less than 32,600,000*l.*

Mr. Pitt observed, that as far as the resolutions went, they appeared to him to be correct; but having some additional resolutions to propose, he wished that the debate should be adjourned till the 24th, which was agreed to.

July 24. Mr. Pitt's counter resolutions were laid on the table, and the debate was adjourned to the 28th.

July 28. Mr. *Tierney* proceeded to state to the House the tenor of his resolutions. The three first related to the funded debt; on which point he remarked, that the only material difference between his statement and that of the chancellor of the exchequer consisted in the manner of drawing up this resolution. His object was to show what was the real capital of the country. He then proceeded to make a variety of calculations, and concluded with moving his first resolution.

Mr. *Pitt* said, he was glad to find that scarcely any real difference subsisted between him and the hon. gentleman as to figures, but that it turned merely on the manner of drawing up and stating the accounts. At the same time, he was satisfied, that the mode he had adopted was the most satisfactory. He should therefore move the previous resolution upon the hon. gentleman's resolutions, with a view of substituting his own.

Mr. Pitt's Finance Resolutions.] The first and subsequent resolutions of Mr. Tierney were then moved, when the previous question was put, and carried upon them. Mr. Pitt then moved the following resolutions, which were adopted:

FINANCE RESOLUTIONS.

1. That the amount of the public funded debt was, on the 5th Jan. 1786, 238,231,248*l.* exclusive of long and short annuities, and annuities for lives, to the amount of 1,373,550*l.* That on the 1st Feb. 1793, stock to the amount of 10,242,100*l.* had been purchased by the commissioners for redeeming the national debt; and annuities to the amount of 79,880*l.* had fallen in, and had been carried to their account; reducing the actual amount of the debt, on the 5th January 1793, to 227,989,148*l.* and the annuities to 1,293,670*l.*; and that on the 1st Feb. 1800, stock to the amount of 32,404,845*l.* had been purchased by the commissioners for redeeming the national debt; and annuities to the amount of 119,880*l.* had fallen in, and been carried to their account; reducing the actual amount of debt existing before the war, on 1st Feb. 1800, to 205,826,403*l.* and the annuities to 1,253,670*l.*

2. That the amount of the capital of the public funded debt, created since the 1st of Feb. 1793 (including the amount to be created by sums borrowed in the present session of parliament, and exclusive of 7,502,633*l.* three per cent stock, created by advances to the emperor of Germany) was, on the 1st Feb. 1800, 257,787,792*l.*: That the amount of long annuities created during the same period was 312,664*l.* per annum, exclusive of 230,000*l.* created by advances to the emperor of Germany: That of these sums, 15,315,000*l.* capital, and 9.791*l.* long annuities, are on account of Ireland, and 56,445,000*l.* is provided for by the tax on income, leaving a permanent debt of 186,027,792*l.*, charged on Great Britain: And that, on the 1st Feb. 1800, 12,328,449 had been purchased by the commissioners for redeeming the national debt; reducing the said permanent debt, created since the 5th Jan. 1793, to 173,699,343, exclusive of long annuities to the amount of 302,873 per annum after deducting the annuities payable by Ireland.

3. That the total amount of the permanent funded debt charged on Great Britain, after deducting the sum of above 44,000,000*l.*, redeemed by, and the annuities fallen in to the commissioners, and 12,133,371*l.* transferred to the commissioners on account of land tax redeemed, was, on the 1st Feb. 1800, nearly 368,000,000*l.*, together with short annuities to the amount of 549,130*l.*, and long annuities to the amount of 987,947*l.*, after deducting the annuities provided for by Ireland.

4. That the sum annually applicable to the reduction of the national debt, in pursuance of the act passed in 1786, was 1,000,000*l.*,

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being about 1-238th part of the capital of the permanent debt then existing; and, for 1793, was 1,427,143*l.*, being about 1-160th part of the permanent debt existing in 1793, and may, for the year 1800, be estimated at 4,730,000*l.*, being about 1-82nd part of the permanent debt existing in 1800.

5. That the annual charge incurred on account of the permanent debt, on the 5th Jan. 1786, was 9,297,000*l.*, before any fund was created applicable to the reduction of the debt, and on the 5th Jan. 1793 was 10,325,000*l.*, including 1,000,000*l.* applicable to the reduction of the debt; and that in the said sum of 10,325,000*l.* is included the interest of 32,404,000*l.* capital stock redeemed, and the amount of annuities fallen in and transferred by the commissioners, making together the sum of 1,097,000*l.*

6. That the annual charge incurred on account of the permanent debt created since the 5th Jan. 1793, (including 314,000*l.* permanent interest and charge on loan of the present session), amounts to 8,582,429*l.* per annum, of which 6,311,479*l.* is for interest, annuity, and charges of management, of such part of the said debt as was unredeemed on the 1st Feb. 1800, and 19,02,000*l.*, being one per cent sinking fund on the capital of the said debt applicable to the reduction thereof, and 369,000*l.* is the interest of such part of the said debt as was redeemed on the 1st Feb. 1800; and that a farther charge of 497,735*l.* per annum is guaranteed by parliament, in default of payment of the interest of certain loans by his majesty the emperor of Germany.

7. That the outstanding demands, exclusive of unfunded debt, and exclusive of the anticipation of certain duties annually voted, and including 816,658*l.*, being payments for services, not being part of supplies 1799, and including 447,039*l.* deficiency of ways and means 1799, was, on the 5th Jan. 1800, 4,154,488*l.*; the whole of which has been provided for, part thereof in the former session of parliament, and the remainder in the present session.

8. That the unfunded debt (exclusive of the anticipation in the usual form on certain duties annually voted) on the 5th Jan. 1793, amounted to 8,925,422*l.*, and on the 5th Jan. 1800, to 14,406,288*l.*; of which 1,914,000 was provided for in the present session of parliament, leaving an unfunded debt of 12,492,288*l.*, which increase of 3,566,866*l.* beyond the amount of the unfunded debt on the 5th Jan. 1793, is occasioned chiefly from an addition of 1,000.000*l.* exchequer bills, and of an additional navy debt arising from increased demands during the war, and bearing no interest.

9. That the nett produce of the permanent taxes existing on the 5th Jan. 1784, then amounted to 10,194,259*l.*; and that taxes were afterwards imposed to defray the expenses of the war ending in 1783, amounting in 1786, to 938,000*l.*, making together 11,132,000*l.*

10. That the nett produce of the permanent taxes existing previous to the year 1784, adding thereto about 938,000*l.* imposed, as above stated, in 1784 and 1785, and 137,000*l.* arising from the consolidation act, and from duties imposed in 1789, was, in the year ending the 5th of Jan. 1793, 14,284,000*l.*; on the 5th Jan. 1794, 13,941,000*l.*; on the 5th Jan. 1795, 13,858,000*l.*; on the 5th Jan. 1796, 13,557,000*l.*; on the 5th Jan. 1797, 14,292,000*l.*; on the 5th Jan. 1798, 13,332,000*l.*: on the 5th Jan. 1799, 14,275,000*l.*; and on the 5th July 1800, 15,432,254*l.*, which last sum, after deducting the duties arising from the consolidation act, and those imposed in 1789, exceeds the nett produce of the permanent taxes on 5th Jan. 1784, together with that of the taxes imposed in 1784 and 1785, by 4,163,254*l.*

11. That the actual nett produce of the taxes, imposed since the 5th of Jan. 1793, amounted, in the year ending the 5th July 1800, to 8,477,100*l.*—and that on part of these taxes the produce of one year has not yet been received, and only 113,707*l.* of those imposed in the present year, estimated at 350,000*l.*; and that the total nett produce of the permanent taxes in the year ending the 5th of July 1800, amounted to 23,909,354*l.*

2. That the total gross receipt within the year (deducting re-payments, discounts, and drawbacks, and also deducting all loans and monies paid to government) was, in 1797, 23,076,179*l.*; in 1798, 30,176,303*l.*; and in 1799, 34,750,976*l.*, being an increase, compared with 1797, of 11,674,797*l.*; and compared with 1798, of 4,574,673*l.*

13. That the total gross receipt applicable to the service of the year 1799, exclusive of loans and exchequer bills, was estimated in the resolutions of the House of Commons, on the 3rd July 1799, at 38,144,000*l.*; and that the actual gross receipt so applicable, taking the produce of the income duty at 5,801,624*l.*, the seventh instalment of the aid and contribution, at 650,000*l.*, and the voluntary contribution, at 255,000*l.*, amounted to 38,857,171*l.*, exceeding the above estimate by 713,171*l.*

14. That the total value of all imports into Great Britain, in the year ending 5th Jan. 1784, was 13,122,235*l.*; and on an average of six years, ending 5th Jan. 1784, was 11,690,829*l.*: That the total value of all imports into Great Britain, in the year ending the 5th Jan. 1793, was 19,659,358*l.*; and on an average of six years, ending the 5th Jan. 1793, was 18,685,390*l.*: That the total value of all imports into Great Britain, in the year ending the 5th Jan. 1800 (supposing the imports from the East Indies, of which no account has yet been made up, to be the same as in the preceding year) was 29,945,808*l.*, making an increase, as compared with 1783, of 16,823,573*l.*; and with 1792, of 10,286,450*l.*; and on an average of six years, ending the 5th Jan. 1800, was 24,407,000*l.*: making an increase, as compared with the average to Jan.

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5th 1784, of 12,717,000*l.*; and with the average to Jan. 5th 1793, of 5,722,000*l.*

15. That the total value of British manufactures exported from Great Britain, in the year ending the 5th Jan. 1784, was 10,409,713*l.* and on an average of six years, ending 5th Jan. 1784, was 8,616,660*l.*; that the total value of British manufactures, exported from Great Britain in the year ending the 5th Jan. 1793, was 18,336,851*l.*; and on an average of six years, ending the 5th Jan. 1793, was 14,771,049*l.*: that the total value of British manufactures exported from Great Britain, in the year ending the 5th Jan. 1800, was 24,084,000*l.*, making an increase, as compared with 1783, of 13,674,375*l.*, and with 1792, of 5,748,000*l.*: and on an average of six years, ending the 5th Jan. 1800, was 18,804,000*l.*, making an increase as compared with the average to Jan. 5th 1784, of 10,188,000*l.*, and with the average to Jan. 5th 1793 of 4,033,000*l.*

16. That the total amount of foreign merchandize exported from Great Britain, in the year ending the 5th Jan. 1784, was 4,332,909*l.* and on an average of six years, ending the 5th of Jan. 1784, was 4,263,930*l.*—That the total value of foreign merchandize exported from Great Britain in the year ending the 5th of Jan. 1793, was, 6,568,000*l.*: and on an average of six years ending the 5th Jan. 1793, was, 5,468,014*l.*: that the total value of foreign merchandise exported from Great Britain, in the year ending the 5th Jan. 1800 was 11,906,000*l.*, making an increase, as compared with 1783, of 7,574,000*l.*, and, with 1792, of 5,338,000*l.*; and on an average of six years, ending 5th of Jan. 1800, was 11,677,000*l.*, making an increase, as compared with the average to Jan. 5th 1784, of 7,414,000*l.*, and, with the average to Jan. 5th 1793, of 6,209,000*l.*

17. That the total sum to be raised in Great Britain in the year 1800, may be estimated as follows: viz.

Interest of Public Funded Debt, Charges of Management, and Sinking Fund, on the 5th Jan. 1800, after deducting interest payable by Ireland	19,307,000	
Interest, &c. to be incurred and paid between 5th Jan. 1800 and 5th Jan. 1801, on stock created by loans in the present session to the amount of	962,000	
Interest on Exchequer Bills, estimated to be the same as paid in the year to 5th Jan. 1800	1,021,636	
The Civil List	898,000	
Other charges on Consolidated Fund, estimated to be the same as incurred in the year ending 5th Jan. 1800	239,297	
Civil government of Scotland, estimated as before Pensions on Hereditary Revenue, ditto Militia and Deserters Warrants, ditto Bounties for promoting Fisheries, Linen Manufactures, &c. estimated as before	647,183	
Charges of Management of the Revenue, estimated as before, including the expense of collecting the Income Tax	1,757,543	
Making the Total Permanent Charges to be defrayed out of the Gross Receipt of Permanent Revenue		24,832,649
Supplies voted for 1800, exclusive of 1,914,000*l.* to defray Vote of Credit 1799		35,686,552
		60,519,201
Advance to Ireland	2,000,000	
Vote of Credit for Probable Contingencies	1,400,000	
Interest Payable for Imperial Loans	497,000	
		3,897,000
Making in the whole the sum of		64,416,201

18. That the gross receipt of the Permanent Revenue (after deducting re-payments for Over Entries, Drawbacks, and bounties, in the nature of Drawbacks) amounted, in the year ending the 5th July 1800 to	28,224,000
That the Tax on Income is estimated to produce, for the year 1800	7,000,000
That the tax on Imports and Exports may be estimated to produce	1,250,000
That further sums are applicable to the service of the year 1800 as follows:	
Surplus of Consolidated Fund, after completing Grants to 5th April 1800	597,000
Re-payments from Grenada, Imprests, and Lottery	826,000
And that the remainder of the Supply for the year 1800 is provided for by a Loan, on account of Great Britain of	18,500,000
And a Loan for Ireland of	2,000,000

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And by Exchequer Bills to be charged on Supplies, 1801	3,000,000
And Loan from the Bank of	3,000,000
And expected Additional Produce of taxes, 1800	240,000
Making in the whole the sum of	64,637,000

19. That estimating the gross receipt of the permanent revenue to continue the same as in the year ending the 5th July 1800, and adding thereto the additional expected produce of the permanent taxes imposed in this session of parliament, the total amount to be raised by permanent and temporary taxes, for the service of the year 1800, may be computed at the sum of 36,714,000*l.*

20. That it appears, by a report of a Committee of this House in 1791, that the actual expenditure (including the annual million for the reduction of the public debt) on an average of five years of peace, ending 5th Jan. 1791, and including sundry extraordinary expenses for the armament of 1787, and for payments to American loyalists, and other articles of a temporary nature, amounted to	16,816,985
But the Peace Establishment was estimated by the said committee at	15,969,178
And that the expense of the year 1792 amounted nearly to that sum.	
That the additional permanent charge incurred by the debt created since 1793, exclusive of interest payable by Ireland is	8,582,395
That the additional charge to be incurred for increased amount of Exchequer Bills outstanding is	55,000
Interest on money for satisfying increased Navy Debt at 5 per cent at	150,000
That the additional charge incurred on the Consolidated Fund, is	131,650
That the additional charge incurred for a sum annually voted for the Redemption of debt is	200,000
And that the future peace establishment (exclusive of any charges to be incurred by Interest, on sums to be paid on winding up the expenses of the war; and of any augmentation which may take place in the Naval or Military Establishments, but allowing for increase of pay and other expenses	700,000
And also exclusive of 497,000*l.* interest on loans due by the emperor of Germany and guaranteed by parliament) may be estimated at	25,788,323

21. That the produce of the tax on Income, in the year ending the 5th of April 1800, appears to be	5,801,624
Voluntary Contribution	255,000
Duty on Exports and Imports may be calculated at	1,250,000
	7,306,624

And that the produce of the permanent taxes imposed previous to the 5th Jan. 1793, has, in the year ending the 5th July 1800, exceeded by nearly 2,000,000*l.* the sum estimated by the committee in 1791, as necessary for the peace establishment.

22. That, during the continuance of the tax on income, after the conclusion of the war, if the produce in future years should amount to 7,000,000*l.*, the total annual expenditure may be estimated at about 33,000,000*l.*, including therein the said sum of 7,000,000*l.* applicable annually (over and above all other sums in the hands of the commissioners) to the reduction of debt.

23. That the amount of 3 per cent stock, created in the years 1798, 1799, and 1800, and of which the interest is to be defrayed, and the principal to be redeemed by the tax on income is 56,445,000*l.*

24. That, supposing the war to end with the year 1800, the 3per cent stock, to remain on an average of three years after peace at 80*l.* and the tax on income to produce 7,000,000*l.* per annum, the capital stock of of 56,445,000*l.*, together with the interest payable thereon would be redeemed in the year 1808.

The Speaker's Speech to the King on presenting the Money Bills.] July 29. His Majesty came this day in state to the House of Peers, when the gentleman usher of the Black Rod, was sent to command the immediate attendance of the House of Commons, who soon after appeared at the bar.

Mr. Speaker *Addington* then addressed his Majesty as follows:

"Most Gracious Sovereign;

"Your faithful Commons humbly attend your majesty with the bill by which their grants are completed for the public service of the year.

"In supplying the various demands of this important conjuncture, your Commons conceive that they have discharged an indispensable duty to your majesty, and their country, by manifesting their

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unshaken determination to combine the maintenance and support of public credit, with such ample means of exertion as may best tend to bring the contest in which we are engaged to a just and honourable conclusion.

"To your Commons it has been highly gratifying to observe, that, amidst the vicissitudes and difficulties which have attended this arduous struggle, the security of the British empire has, in many respects, been materially strengthened, its power consolidated, and its resources increased. The splendid and decisive success to which the late hostilities in India were conducted by the blessing of Providence, upon the joint exertions of wisdom and vigour in council, and of skill and gallantry in the field, has necessarily led to new and extensive regulations. The measure, which has been accordingly adopted, your Commons earnestly hope will have the effect of affording to this country all the advantages which can be derived from those valuable possessions, and of insuring to the native inhabitants the full benefit of British superintendence and protection.

"But to no proceedings, by which their attention has been engaged, can your Commons recur with stronger sentiments of satisfaction and confidence, than to those which have contributed to the great and important arrangement, by which your majesty's subjects in Great Britain and Ireland will henceforth constitute one people, actuated by the same views, connected by the same interests, and governed by the same laws. In contemplating this measure, and the prospect which it happily presents, your Commons cannot fail to be animated by a well-founded hope, the most congenial to your majesty's benevolent mind that the united kingdom may ever present to the world the example of a free and powerful people, desirous and determined to employ their combined strength and resources for no other purposes than those which are connected with their own honour and security, and to prove, by the moderation and justice of their counsels and conduct, that they are not altogether unworthy of the blessings they may enjoy."

The King's Speech at the Close of the Session.] After the royal assent had been given to sundry bills, his Majesty delivered the following Speech to both Houses:

"My lords and gentlemen;

"In putting an end to this laborious session of parliament, I must express the just sense I entertain of the diligence and perseverance with which you have applied yourselves to the various objects of public concern which came under your deliberation. It is with peculiar satisfaction I congratulate you on the success of the steps which you have taken for effecting an entire union between my kingdoms of Great Britain and Ireland.

"This great measure, on which my wishes have been long earnestly bent, I shall ever consider as the happiest event of my reign, being persuaded that nothing could so effectually contribute to extend to my Irish subjects the full participation of the blessings derived from the British constitution, and to establish, on the most solid foundation, the strength, prosperity, and power of the whole empire.

"I have witnessed, with great concern, the severe pressure on my people, from the continued scarcity of the season; but I trust that, under the blessing of Providence, there is now every reason to expect that the approaching harvest will afford a speedy and effectual relief.

"Gentlemen of the House of Commons;

"I return you my particular thanks for the zeal and liberality with which you have provided for the various exigencies of the public service. I regret deeply the necessity of these repeated sacrifices on the part of my subjects; but they have been requisite for the preservation of our dearest interests; and it is a great consolation to observe, that, notwithstanding the continuance of unusual burthens, the revenue, commerce, and resources of the country have flourished beyond all former example, and are still in a state of progressive augmentation.

"My lords and gentlemen;

"The course of the campaign upon the continent has, by a sudden reverse, disappointed the sanguine hopes which the situation of affairs at its commencement appeared fully to justify, and has unhappily again exposed a considerable part of Europe to those calamities and dangers, from which it had recently been rescued by the brilliant success of my allies.

"Much as these events are to be regretted, it will always be matter of just satisfaction to me to reflect, that, in the course of this important contest, my efforts, and those of my parliament, have been unremittingly employed for the

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maintenance of our own rights and interests, and for animating and supporting the exertions of other powers in defending the liberties of Europe.

"Notwithstanding the vicissitudes of war, your constancy and firmness have been productive of the most important and lasting advantages in the general situation of affairs; and the determination manifested in your recent declarations and conduct must afford me the best means of promoting, in conjunction with my allies, the general interests, and of providing, under every circumstance, for the honour of my crown, for the happiness of my subjects, and for the security and welfare of every part of the British empire."

The lord chancellor then, by his majesty's command, prorogued the parliament to the 7th of October. It was afterwards farther prorogued to the 11th of November.

FIFTH SESSION
OF THE
EIGHTEENTH PARLIAMENT
OF
GREAT BRITAIN.

The King's Speech on Opening the Session.] November 11, 1800. His Majesty opened the session with the following Speech to both Houses:

"My lords and gentlemen;

"My tender concern for the welfare of my subjects, and the sense of the difficulties with which the poorer classes particularly have to struggle, from the present high price of provisions, have induced me to call you together at an earlier period than I had otherwise intended. No object can be nearer my heart, than that, by your care and wisdom, all such measures may be adopted, as may, upon full consideration, appear best calculated to alleviate this severe pressure, and to prevent the danger of its recurrence, by promoting, as far as possible, the permanent extension and improvement of our agriculture.

"For the object of immediate relief, your attention will naturally be directed, in the first instance, to the best mode of affording the earliest and the most ample encouragement for the importation of all descriptions of grain from abroad.

"Such a supply, aided by the examples which you have set on former occasions of attention to economy and frugality in the consumption of corn, is most likely to contribute to a reduction in the present high price, and to insure, at the same time, the means of meeting the demands for the necessary consumption of the year.

"The present circumstances will also, I am persuaded, render the state of the laws respecting the commerce in the various articles of provision the object of your serious deliberation.

"If on the result of that deliberation it shall appear to you that the evil necessarily arising from unfavourable seasons has been increased by any undue combinations or fraudulent practices for the sake of adding unfairly to the price, you will feel an earnest desire of effectually preventing such abuses; but you will, I am sure, be careful to distinguish any practices of this nature from that regular and long established course of trade which experience has shown to be indispensable, in the present state of society, for the supply of the markets, and for the subsistence of my people.

"You will have seen with concern the temporary disturbances which have taken place in some parts of the kingdom. Those malicious and disaffected persons who cruelly take advantage of the present difficulties to excite any of my subjects to acts in violation of the laws and of the public peace, are in the present circumstances doubly criminal, as such proceedings must necessarily and immediately tend to increase, in the highest degree, the evil complained of, while they, at the same time, endanger the permanent tranquillity of the country; on which the well-being of the industrious classes of the community must always principally depend.

"The voluntary exertions which have on this occasion been made for the immediate repression of these outrages, and in support of the laws and public peace, are therefore entitled to my highest praise.

"Gentlemen of the House of Commons;

"Under the circumstances of the present meeting, I am desirous of asking of you such supplies only as may be necessary for carrying on the public service, till the parliament of the united kingdom of Great Britain and Ireland may conveniently be assembled. The estimates for that purpose will be laid before you; and I have no doubt of your readiness to

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make such provision as the public interests may appear to require.

"My lords and gentlemen;

"I have directed copies to be laid before you, of those communications which have recently passed between me and the French government, respecting the commencement of negotiations for peace. You will see in them fresh and striking proofs of my earnest desire to contribute to the re-establishment of general tranquility. That desire on my part has hitherto been unhappily frustrated, by the determination of the enemy to enter only on a separate negotiation, in which it was impossible for me to engage, consistently, either with public faith, or with a due regard to the permanent security of Europe.

"My anxiety for the speedy restoration of peace remains unaltered, and there will be no obstacle nor delay on my part to the adoption of such measures as may best tend to promote and accelerate that desirable end, consistently with the honour of this country and the true interests of my people: but if the disposition of our enemies should continue to render this great object of all my wishes unattainable, without the sacrifice of these essential considerations, on the maintenance of which all its advantages must depend, you will, I am confident, persevere in affording me the same loyal and steady support, which I have experienced through the whole of this important contest, and which has, under the blessing of Providence, enabled me, during a period of such unexampled difficulty and calamity to all the surrounding nations, to maintain unimpaired the security and honour of these kingdoms."

His majesty then withdrew.

Debate in the Lords on the Address of Thanks.] His Majesty's Speech being read,

The Duke of *Somerset* rose and said:—My lords; in having undertaken to move an address in answer to such a speech as that which we have just heard from the throne, I think myself, in one sense, fortunate, as I do not conceive that any thing has been said which is not consonant to the wishes of every one who has an interest in the welfare of this country. In another sense I may be deemed unfortunate, in endeavouring to enforce, by argument, that which, without argument, must command the assent of every one who hears and understands it. In doing this, my lords, I am afraid that any arguments which I can advance will be little better than truisms; that having neither to convince nor persuade, I shall only fatigue the attention of those who hear me. To tell your lordships that the country sensibly feels the effects of a dearth, and that there are many persons who are inclined to attribute those effects to a want of legislative regulation, would be only reminding you of what you all know in common with myself. That, when such opinions are held, it becomes necessary to inquire into the foundation of them, is almost too obvious to require any comment. The extreme importance of the subject, and the very great difference between the opinions which are held concerning it, render it necessary for parliament profoundly to investigate the real causes of the scarcity: to ascertain, and to explain to the nation, whether it arises from the defect of the seasons, or from those unfair and improper dealings to which it is frequently attributed. To review those laws which either directly or indirectly affect the production and the vending of corn, and, if necessary, to repeal, amend, and improve, those parts of them which may be any ways defective, might be at any time a useful, but is now become a necessary duty; and it will be scarcely less necessary, if any mistakes should have arisen in the public mind with respect to the conduct of those who deal in this article of subsistence, to show, by incontrovertible evidence, that this conduct has been misunderstood, and is not so blameable as may have been supposed.—My lords, I have heard it said that the legislature should let trade take its course, and not endeavour to improve that which always succeeds best if left entirely to the management of those individuals who are immediately interested in its success. There might, perhaps, be some foundation for this remark, had the legislature been always indifferent, and consequently impartial, to the concerns of agriculture and commerce. But, where much has been done, something more must frequently be done, to render what is already done effectual: where medicine has been administered, it must frequently be continued. The numerous regulations established in this country with regard to agriculture and commerce, require the frequent attention of the legislature, either to enforce those regulations, or to rescind,

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amend, and alter them, as a change of circumstances and different states of society may require.—Without professing implicitly to follow any system of opinions which have been broached upon the causes of the scarcity, of which we all too sensibly feel the existence; I feel it my duty to remark, that, after having given the subject a full and fair investigation, the legislature will have an indisputable right to adopt such measures as it may judge beneficial to the country, however different such regulations may prove from those which may be wished for by such men as have never given the subject a due examination: and as I confidently trust that your lordships, in establishing such regulations, will not be misled by sophistry on one hand, so I sincerely hope that you will pay little deference to ancient prejudices on the other; but, if any great discouragements to agriculture should be found really to exist in the nature of our laws, that your lordships will endeavour to remove them by virtue of that authority which you hold for such salutary purposes.—His majesty has not recommended to us any particular measures for obviating the present scarcity, excepting that of granting encouragement to importation. To this, I should suppose, hardly any opposition will be made, as it must tend to give immediate relief, and does not seem liable to any material objection. It may perhaps be said, that it will diminish the profits of those dealers who have a stock of corn in hand. It can, however, only produce this effect by increasing the competition in that branch of trade; and I cannot think it unjust to diminish their profits in that manner.—There is one thing, my lords, which his majesty has taken notice of with marked disapprobation; the riots which have taken place in several parts of the country. The pretence for these riots has been the extreme scarcity. The folly of such proceedings on such grounds may tend to excite pity rather than indignation; but yet it is for the interest of society that, if persevered in, the authors of them should not escape punishment. It must be obvious to any one of the dullest apprehension, that destroying corn, and riotous disturbances in the markets, must infallibly produce that evil which they attempt to prevent. The destruction of what we are in want of, can never make it plenty; and farmers will naturally dislike bringing their corn to market, if there is a likelihood of its being forced from them by a mob. To suppose that the means of subsistence can be made cheaper by interrupting that industry, or destroying that capital which produces them, is as absurd as to imagine that an animal may be made stronger by denying him that food and that exercise from which his strength arises. It may, perhaps, be necessary, in the course of the session, for your lordships to consider of some means for the prevention or the more easy suppression of popular tumults, and for the more easy conviction of those who destroy the produce of the soil. I am confident that the farming capital of the kingdom might be increased, agriculture improved, and provisions brought cheaper to market, if the property of the farmer was rendered more secure, by the more effectual prevention of riot, theft, and conflagration. And, my lords, I am inclined to think that theft, the mischief which is least conspicuous, is the most prejudicial to the cultivation of the country. Riot and conflagration are great, but partial evils, which every one feels an interest in immediately repressing. But from all the accounts I can collect, theft appears to act as a general and heavy tax upon the profits of every kind of capital. It will remain for your lordships to consider, whether, by a more exact police, or greater strictness in the laws, it may not be possible in some measure to obviate this serious evil.—Though it was chiefly my intention, on this occasion, to speak of such public regulations as may be enforced by the legislature; yet I cannot help noticing and commending those endeavours which the benevolence of individuals has frequently induced them to make, in order to relieve the sufferings of the lower classes, by a strict attention to limit the consumption of provisions in their own families, and by contributing for charitable purposes. Public bodies have sometimes acted upon the same principle, as have certain members of them in their individual capacity; and I think a recent instance in the corporation of Bath deserves particular mention. Great entertainments are, upon some occasions, necessary; and, in times of plenty, they are frequently useful and commendable, as they are also very consonant to the temper and manners of this nation; but, in times of great scarcity, it must be allowed that this species of expense should be in some degree restricted.—It will become us, my lords, to consider of

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every means by which relief can be afforded, and either by public regulation to enforce, or by private recommendation to encourage fair dealing and good management; and I have no doubt, that, by turning our attention to these subjects, considerable relief may be afforded in the present distress, and that a great increase may accrue to the agriculture and internal prosperity of the country.—It is impossible for your lordships to hear from the throne, without sentiments of approbation and of satisfaction, that, since we were last assembled, his majesty has taken measures for the restoration of the general tranquillity. It is much to be lamented that they have not already been crowned with that success which his majesty's paternal anxiety for the welfare of his people must naturally have led him to wish for; and your lordships cannot but feel gratified in the assurances which we have just heard from the throne, that his majesty will be ever ready to avail himself of any disposition to make peace on the part of the enemy, whenever such disposition should appear. Should France, however, persevere in those feelings of hostility and projects of ambition against which we have so long contended, it is impossible for your lordships not to be anxious to afford his majesty every possible support for the effectual and vigorous prosecution of the war, and to carry to the foot of the throne such assurances as are contained in the Address which I shall now have the honour to propose to you.

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, return your majesty our humble thanks for your most gracious Speech from the throne.

"We beg leave to express to your majesty our sense of your majesty's uniform concern for the welfare of your majesty's subjects, and our dutiful acknowledgments for the measure taken by your majesty in calling together your parliament under the difficulties arising from the present high price of provisions; and we beg leave to assure your majesty, that we will apply ourselves with zeal and diligence to the full consideration of such measures as may be best calculated to alleviate this severe pressure, and, by the permanent extension and improvement of agriculture, to prevent the danger of its recurrence.

"While we concur with your majesty in looking to the immediate encouragement of importation as affording the best means of present relief, we are also desirous of doing every thing which may depend on us for promoting a due attention to economy and frugality in the consumption of grain, hoping that while by these means we may contribute to the reduction of the present high price, we shall ensure at the same time an adequate supply for the necessary consumption of the year.

"We shall proceed to take into our most serious deliberation the present state of the laws respecting the commerce in the various articles of provisions; and if, upon full consideration, it shall appear that the evil necessarily resulting from unfavourable seasons has been increased by any undue combination and fraudulent practices for the sake of adding unfairly to the price, we shall feel an earnest desire to prevent such abuses; but we shall always be careful to distinguish any practices of this nature from that regular and long established course of trade which experience has shown to be indispensable, in the present state of society, for the due supply of the markets, and for the subsistence of the people of this country.

"We have seen, with great concern, the temporary disturbances which have taken place in some parts of this kingdom; and we reflect, with abhorrence and indignation, on the guilt and cruelty of those malicious and disaffected men who take advantage of the present difficulties to excite any part of your majesty's subjects to acts no less dangerous to themselves than injurious to the public peace. And we are fully sensible of the justice of that gracious and honourable testimony borne by your majesty to the merit of those voluntary exertions which have been made on this occasion in support of the laws, and for the immediate repression of these outrages; sensible, as we are, that their continuance must necessarily tend to increase, in the highest degree, the very evil which is complained of, and even to endanger the permanent tranquillity of the country, on which the well-being of the industrious classes of the community must always principally depend.

"We return your majesty the thanks of this House for the communications which your majesty has been pleased to direct to be laid before us.

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"We have the fullest confidence in that desire which your majesty has uniformly manifested for the re-establishment of general tranquillity, and we learn with regret that the accomplishment of this object has hitherto been frustrated by the dispositions of the enemy. We receive with satisfaction your majesty's gracious assurance that there will, on your majesty's part, be no obstacle or delay in the adoption of such measures as may best tend to promote and accelerate so desirable an end, consistently with the honour of this country, and the true interests of your majesty's people. But if the disposition of our enemies should continue such as to render this object unattainable without the sacrifice of these essential considerations, on which all its advantages must depend, we shall feel it our bounden duty to persevere in the same support which we have endeavoured to afford to your majesty throughout the whole of this important contest, trusting that your majesty will still be enabled, by the blessing of Providence on your majesty's paternal care for the interest of your people, and on the zeal and loyalty of your subjects, to maintain unimpaired, amidst all the difficulties and calamities of the surrounding nations the security and honour of these kingdoms."

Lord *Hobart* said, that after the speech which their lordships had heard from the throne, and the address which had been moved, it was unnecessary for him to trouble their lordships much at length. With respect to the high price of provisions, he had too much to learn from those who were more conversant in the subject than he could pretend to be, to venture at this time to offer any decided opinion. There were, however, certain facts to which he would advert. The first was, the very deficient harvest of 1799: the second, the moderate, if not the deficient one of this year; and such was the deficiency of 1799, that if the alarm of scarcity had not been rung in the last session, and a motion of a right reverend prelate acceded to for lessening the consumption in private families, the evil we felt at this hour would have been considerably aggravated. To that alarm, to the voluntary economy produced by it, and to the compulsory reduction by the increase of price, our escape from the severest distress might be attributed; for it was now known that, had not the harvest of this year been much earlier than usual, the granaries were so completely exhausted, that, in many parts of England, the condition of the people would have been dreadful. What, then, is our present situation, without stores of corn from the last year, a deficient crop from the late harvest, and a premature consumption of that crop by at least six weeks? Under such circumstances, his majesty, aware of the danger to which his people might be exposed, had called his parliament together; but, however much might be done by legislative provision, he cautioned the House against too much reliance upon human ingenuity, when the evil to be remedied had been inflicted by the hand of Providence. The extension of agriculture had been recommended from the throne, and every man who had observed the immense tracts of waste and uncultivated ground, must be convinced, that, by bringing them into cultivation, the supply might be so increased as to prevent a recurrence of the situation to which the people were now reduced. But this was a distant remedy: present relief was the object to which the attention of their lordships was more particularly to be directed; and that which most immediately occurred was encouragement to importation. But, that, in its nature was precarious, and therefore what we should rely upon was economy at home, and the substitution of other grains to make up the deficiency in wheat. He had seen with concern in the public prints, and particularly in the resolutions of the county of Middlesex, that the war had been assigned as the high price of corn. This was an unfounded and pernicious doctrine; for if it were true that the price of corn was increased by war, the return of peace must be the period of reduction; but what was the fact? A great and unfortunate change had taken place in this country with respect to the commerce in corn: from being an exporting, we had become an importing country in that article. This change took place in the years from 1765 to 1770: that is, in years of profound peace. From the experience of the present war, no man was justified in ascribing the high price of corn to the effect of war. A revision of the laws respecting the supply of provisions had been recommended in the Speech, and he was satisfied that such a revision had become indispensably necessary. In the punishment of offenders against the laws respecting engrossing

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and forestalling, opinions had been promulgated which had produced considerable alarm amongst the dealers in the necessaries of life; and he was convinced there was a necessity of making the law perfectly intelligible upon the subject, not only to deter the ill disposed, but to give security and confidence, to the fair trader. He could not help expressing his satisfaction, that a period had now arrived, when a government had been established in France with which his majesty's ministers could enter into negotiations for peace. He had voted with them upon the rejection of the overture from Buonaparté last year, and no event that had since happened had induced him to question the propriety of that vote. The advantages in the hands of the allies at that time fairly held out the prospect of a considerable reduction in the power of France, whilst the apparent instability of the government encouraged no expectation of the permanency of its acts. Under such circumstances, however sincere Buonaparté might have been in the proposition he made, to treat with him would neither have been wise or politic. The previous conduct of Buonaparté was so involved in the question, that ministers could not state the principles upon which they acted, without adverting to it as a leading argument for rejecting his overtures; but if these overtures were sincere on his part, the language then held would have no effect upon his mind. His return from Egypt would be forgotten in the triumphs of Marengo: and he would look to the establishment of his fame by contributing to the general tranquillity. As to the probable permanency of his government, he could foresee none upon the permanency of which, all circumstances considered, we should be so well justified in speculating. It appeared to be quietly submitted to by the people of France; and that country had arrived at the situation in which all others, after similar convulsions, had been placed. He would illustrate his position by a remark of Mr. Hume's on the successful usurpation of Cromwell. "By recent, as well as all ancient example, it was become evident that illegal violence with whatever pretences it may be covered, and whatever objects it may pursue, must inevitably end at last in the arbitrary and despotic government of a single person." Whether the house of Bourbon was ever likely to be restored, was a question he would not undertake to discuss. He was convinced it would be wise to treat with the existing government, and to conclude a peace whenever it could be effected consistently with good faith to our allies, and a due regard to the honour and security of this country.

Lord *Holland* said, that, notwithstanding the argument of the noble lord, he feared that scarcity and war were almost necessary companions. He had seen, with peculiar satisfaction, the letter of the duke of Portland, in which he expressed his sentiments on the clamour which had been raised against monopolists The doctrines of that letter met with his most cordial support. The attempt to poison the popular mind against the persons who were the best stewards for the people, was most mischievous; but he could not agree, that the war was totally unconnected with the scarcity. It was certainly one, though not perhaps the principal cause. It tended to diminish the quantity, and advance the price. Whether Buonaparté's design was peace or war, the conduct of ministers gives him uncommon advantages. If his wishes were really for peace, he might be entitled to demand from them greater securities, as a test of their sincerity, than from others, because the opinion of the world would go with him in the distrust of their sincerity; and if his secret desire was war, while he professed peace, then, by their former conduct, he might obtain his object, and throw all the odium upon them. In every point of view, whether for negotiation or for war, it was most advantageous to Buonaparté to have to deal with his majesty's present ministers. If he should want, for instance, to raise an army with extraordinary facility, that able recruiting officer, the noble secretary of state, would publish a phillipic to make all France rally round him. Look back to the whole history of the war, and it would be seen, that every point which he had to accomplish he had been assisted in obtaining by the impolicy of our ministers. They pretended to ascribe to unforeseen circumstances all the good fortune that had accompanied the chief consul. Was it good fortune that made his armies more numerous than those of the Austrians? If the battle of Marengo was gained by a turn of good fortune, was it mere good fortune that raised and disciplined the army, or that enabled him to cross the Alps with such rapidity?

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Nay, if, the fortune of that battle had turned against him, in three days he would have had triple the numerical force of general Melas with which to renew the combat, while Melas had not fourteen days provisions. One argument, indeed, might be urged by ministers against a peace, namely, that it would leave France aggrandized in power. He owned this was a serious evil, but would it not be aggravated by continuing the contest? He would therefore move an amendment to the address, by leaving out, after the words "We return," in the sixth paragraph to the end of the motion; and inserting the words—"our most humble thanks to his majesty for having been graciously pleased to give directions that copies of the recent communication between his majesty and the French government should be laid before this House; and that we should receive with peculiar satisfaction any proof of his majesty's anxiety to restore the blessings of peace to these kingdoms. But we cannot conceal from ourselves, nor will we, by any ill-timed flattery, dissemble from his majesty, that a total change of councils appears to us necessary for the accomplishment of that desirable end, and the re-establishment of peace on any sure or solid foundation."

The Earl of *Romney* said, that the noble lord's speech consisted of a violent attack on ministers, and a fulsome panegyric on the chief consul of France. The noble lord had asserted, that the present war, and the conduct of it, formed one continued series of disgrace and ill-success. Good God! was there any war to be instanced that had been more glorious to the British name? Success had uniformly crowned all our naval actions and engagements, and we were at this moment the masters of the sea in all quarters of the globe. He saw no reason to think that the present ministers would not be as able to make peace with Buonaparté as any other set of men. With regard to the scarcity of corn and the high price of provisions, he trusted that the wisdom of parliament would suggest some salutary means of remedying so grievous an evil. Being a considerable farmer himself, and living in a corn county, he had a great doubt whether the purchasers of corn in great quantities did not do more harm than good? Another alteration which he begged leave to suggest was, the obliging all corn to be brought into the market, and pitched, as had been the case in former times: by that means every person would be able to judge, whether there was much corn in the market or not; whereas now, while corn was sold by sample, a few growers met in a private room, and nobody knew whether there was much or little at market. In case all the corn so brought into towns, might not be all sold on the market day, there should be small granaries let at easy rents, in which the unsold corn might be deposited till the next market day.

The Earl of *Suffolk* entirely concurred with the noble lord as to his hints on the subject of the scarcity. He also concurred with him in opinion, that the greatest praise was due to our naval officers and seamen; they had behaved most gloriously during the war; but there he must stop. He was convinced, from the conduct of the war, that ministers were utterly unfit to remain in office.

Lord *Grenville* said, that with respect to the topics which had been urged by the noble mover of the amendment, there was but one in which he agreed with him. He alluded to the manly statement of his sentiments upon the popular prejudice of the evils arising from what was called forestalling and monopoly—a prejudice which went to increase the evil, and, by an ill-grounded clamour, to destroy the current trade by which our provision markets were supplied. The noble lord had insisted, that the scarcity was intimately connected with the war; but, whatever speculative reasoners might contend, the evidence of facts was incontrovertibly against their system. If war had a necessary tendency to produce scarcity, it was singular that years of war had not produced its unavoidable consequence. Whereas, directly the reverse was the fact; and war had a tendency to make corn cheaper, as had been proved in an ingenious work written by Mr. Brand. But with respect to the rest, if Buonaparté were in that House, and would speak truth, he must acknowledge that the battle of Marengo was the fixing of his power: and that if he had not succeeded on those plains, he had not now been chief consul. If he had not succeeded, he must have been involved in total ruin. If the noble lord would contemplate the posture of affairs at that period, he would find that the power of Buonaparté was suspended by a fine

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thread, and that his proposition for negotiation was not so much from a desire of peace, as to confirm him in his precarious power. Since that time, a succession of events had consolidated his power, and he was now *de facto* ruler of France. It had never been the practice of this country to inquire into the titles of those with whom she treated: it was quite sufficient if they possessed sufficient power to maintain their treaties; and now he did not hesitate to avow, that Buonaparté possessed that degree of power which would enable him to enter into negotiation, and conclude peace. The desire of his majesty's ministers for peace remained unaltered; and if the French government were sincerely desirous of peace, it might be concluded upon fair and honourable terms. With respect to our ally, it would not be right to say that he had acted inconsistent with his alliance, especially as he had given his assurance that he would not: but if, contrary to good faith, other councils should influence his conduct, then there could be no difficulty of negotiating separately, including, however, those allies who remained with us.

The question being put, "Whether the words proposed to be left out shall stand part of the question," the House divided: Contents, 50; Not-contents, 5. The address was then agreed to.

The King's Answer to the Lords' Address.] To the Address of the Lords, his Majesty returned this Answer:

"My lords;—I thank you for this loyal and dutiful address.—My long experience of your enlightened and anxious zeal for the public welfare, affords me the surest pledge of your best endeavours to contribute, as far as it can be done by any legislative interposition, to the objects of present relief and permanent supply; and also makes me confident of your adherence to those principles, on which the security of property, and the prosperity both of agriculture and commerce, depend.—Your concurrence in my uniform wishes for the restoration of general tranquillity, and your determination to enable me to maintain, both in negotiation, and, if necessary, in war, the honour and interests of my kingdoms, are such as I could not but expect from that wisdom and steadiness which have characterised all your conduct, and which have been productive of such important benefits to my people."

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Debate in the Commons on the Address of Thanks.] His Majesty's speech having been read,

Sir *John Wrottesley* rose. He said, that one sentiment only could pervade the House at this moment, and that sentiment was a conviction of the propriety of expressing their thanks to his majesty for that tender concern for the welfare of his people, which had induced him to assemble his parliament. He was convinced, from the favourable effects of the interposition of parliament on former occasions, that they would be enabled at this time to employ the resources of the country in materially alleviating the general distress. It was necessary, for this purpose, to enter into an examination of the state of the last harvest, which had hitherto produced no effect on the price of the market. If it was abundant, this abundance, aided by the large importations recommended by his majesty, would naturally bring down the price of grain; if, on the other hand, it was scanty, this scantiness would strengthen the necessity of extensive supplies from abroad, and establish the propriety of economy and frugality in the consumption of corn. The next point recommended by his majesty was not less important, namely, the general improvement of the agriculture of the country. For this purpose enclosure bills were of vast consequence. During former sessions, much had been done to promote agriculture by such bills; but little in comparison with what had been done last session, when no less than 87 enclosure bills had been passed. Still, much remained to be done. His majesty, in directing them to the consideration of the laws respecting the various articles of provision, had recommended a most important distinction between the prevention of fraudulent practices to increase the price of provisions, and that long established course of trade, which experience had shown to be necessary in the present state of society, for the supply of the market, and the subsistence of his subjects. The necessity of this distinction must be apparent to every one who attended at all to the present state of the public mind, and more particularly to some recent occurrences arising from this opinion. Farmers and other individuals dealing in grain had been insulted and abused by a misguided multitude; they had been represented as men who fattened on the miseries of their fellow-creatures;

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and who withheld their corn from the market, even when Providence had granted an abundance. It was necessary that a proper inquiry should be made into this subject; and if, from the result of that inquiry, it appeared that undue combinations or fraudulent practices were chargeable on farmers, or any other class of the community, then it was highly proper that they should be punished; but if it should be found that, even in seasons the most unfavourable, under circumstances the most adverse, the markets had been regularly and fully supplied, then such general allegations against individuals or bodies dealing in grain, ought not to be admitted to their prejudice; far less ought they to warrant any interference on the part of the legislature to tamper with the long-established course of trade, to depart from that system of commerce in provisions which was indispensably necessary to the supply of great towns. —There was another circumstance mentioned by his majesty, which must have been painful to every member of that House, namely, the tumults which had arisen in various parts of the country. Respecting the fatal consequences of such tumults there could only be one opinion; but it was certainly astonishing, that men should have been found so truly wicked as to be guilty of outrages which tended directly and plainly to aggravate the distress under which the people were labouring, On the subject of these riots, the sentiments of the House could only be those which his majesty's gracious speech had contained.—On the importance of a speedy and honourable peace, the wishes of all were unanimous, and therefore all must be gratified by the ardent desire expressed by his majesty for the accomplishment of this object. But if the French government was still unwilling to come to terms of reasonable accommodation, and if the terms offered were such as were inconsistent with the honour and security of the country, then the House could not hesitate in expressing their determination to grant such supplies as would enable his majesty to persevere in the present arduous contest. On these grounds he should move,

"That an humble address be presented to his majesty, to return his majesty the humble thanks of this House, for his most gracious Speech from the throne.

"That we acknowledge with gratitude the tender concern which his majesty at all times shows for the welfare of his subjects, and that paternal sense of the difficulties with which the poorer classes of them particularly have to struggle from the present high price of provisions, which have induced his majesty to call us together at this time:

"That it will be equally our wish, and our duty, to adopt, as expeditiously as possible, all such measures as may, upon due consideration, appear best calculated to alleviate this severe pressure, and to prevent the danger of its recurrence, by promoting, as far as possible, the permanent extension and improvement of our agriculture:

"That, for the object of immediate relief, our attention will naturally be directed, in the first instance, to the best mode of affording the earliest and most ample encouragement for the importation of all descriptions of grain from abroad: being fully sensible that such a supply, aided by a general and strict attention to economy and frugality in the consumption of corn, is most likely to contribute to a reduction in the present price, and to insure, at the same time, the means of meeting the demands for the necessary consumption of the year:

"That the present circumstances will undoubtedly render the state of the laws respecting the commerce in the various articles of provision the object of our serious deliberation: that if, upon full consideration, it shall appear that the evil necessarily resulting from unfavourable seasons has been increased by any undue combinations and fraudulent practices, for the sake of adding unfairly to the price, it will be our earnest desire to take the most effectual measures for suppressing such abuses; but that we are fully sensible of the importance of distinguishing practices of this nature from the regular course of long established trade, which experience has shown to be indispensable for the supply of the markets, and for the supply of the markets, and for the subsistence of the people in the present state of society:

"That we cannot have seen, without the greatest concern, those temporary disturbances which have taken place in some parts of the kingdom, and are sensible that nothing can exceed the malignity and cruelty of those who take advantage of the difficulties of the moment, to delude any of his majesty's subjects into acts of violence and outrage, which

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immediately tend to increase in the highest degree the evil complained of, and are equally injurious to the well-being of the industrious classes of the community, and to the permanent tranquillity of the country:

"That we join with his majesty in applauding those zealous and voluntary exertions which have on this occasion been made for the immediate repression of those outrages, and in support of the laws and of the public peace:

"That we shall proceed with the utmost readiness to grant such supplies as may be necessary for carrying on the public service till a period when the parliament of the united kingdom of Great Britain and Ireland may be conveniently assembled:

"That we acknowledge his majesty's goodness in having been pleased to direct copies to be laid before us of those communications which have recently passed between his majesty and the French government; and in the expressions of his earnest desire to adopt every measure which could best contribute to the re-establishment of general tranquillity:

"That, concurring with his majesty in the anxiety which he entertains for the speedy restoration of peace, we shall see with the utmost satisfaction the adoption of all such measures as may best tend to promote and accelerate that desirable end, consistently with the honour of this country, and the true interests of his people; but that, if the disposition of our enemies should continue to render it unattainable without the sacrifice of these essential considerations, we shall feel it our indispensable duty to persevere in affording his majesty the most zealous and effectual support and to omit no exertion on our part which can enable his majesty, under the blessing of Providence, to conduct this important contest to a prosperous conclusion: and to maintain unimpaired the security and honour of these kingdoms."

Mr. *Dickinson*, jun. said, that parliament had been convened to deliberate upon one of the most important subjects that could engross the attention of a legislative body. He had heard the speech from the throne with great satisfaction, and was happy to find the wisdom of parliament resorted to, on so important an occasion. He hoped they would act with the same courage, firmness, and perseverance, which had marked their former proceedings; the necessary consequence of which would be, an alleviation of the sufferings of the poorer classes of the people, and an improvement in the general state of the country. Besides the encouragement which they would naturally be led to hold out to the importation of corn, modes and habits of economy would be recommended to the higher ranks, which would entirely cover the deficiency which might remain in the public stock of corn, after every possible supply had been procured from abroad. The general situation of the poor, he trusted, would also suggest matter of particular and specific regulations. Their wages he did not consider as having risen in proportion to the necessary articles of consumption, and the relief granted by the parish was, in many instances partial, as no difference was made between a man who had ten children, and a man who had only one.—On the subject of agricultural improvements, by way of increasing the annual growth of corn, a variety of opinions were in circulation: much had been said of a general inclosure bill, and he was very much inclined in its favour, because he knew that, after the most minute investigation it had been recommended by that most enlightened, industrious, and keen searching body of men, the Bath Agricultural Society. A particular inquiry into the quantity of grain at present in the kingdom would be productive of the best effects, either in lowering the markets, or in determining the deficiency, so as to ascertain the amount either of the supplies which it would be necessary to procure from abroad, or of the savings, which, by the operation of modes of economy, it would be necessary to accomplish upon the year's consumption. He allowed, that in some instances, forestallers might have kept back provisions, which would otherwise have gone to market, and raised the general price of necessary articles throughout the country. He hoped also, that such persons would not escape punishment. But he cautioned the House against supposing that the present difficulties were entirely the result of such illegal practices, or of leading the people to think that the scarcity arose not from a deficiency of produce, but from misapplied capital. He was afraid that he might hear a measure proposed which had been too much talked of out of doors—the establishment of a maximum. The objections against such a measure were innu-

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merable; but there was none so powerful as the impossibility of establishing it. If the same price were fixed upon the same article at Oxford, London, and Dublin, it might be sold at Oxford at the price set upon it, but before it arrived at London or Dublin the expense of carriage would necessarily create an addition to the price; and then where was their maximum? There had been twenty-five scarcities in the country since the reign of Henry 1st, and in no one instance had the establishment of a maximum been resorted to, excepting in the time of Edward 2nd; and the parliament, finding the bad effects produced by it, was forced to repeal the law the year after it was enacted. Let this expedient once be resorted to, and then the farmer will no more cultivate his ground, the landlord will receive no more rent, the labourer will have no more wages, the manufacturer will throw aside his shuttle, and the mariner remain for ever inactive in port.—Upon that part of the address which relates to peace, he would only observe, that the question was not whether peace was preferable to war, but whether, under all the circumstances of the case, peace could be obtained, consistently with the honour and good faith of the nation? France demanded from us, as the price of peace, what almost no nation ever demanded from another—a renunciation of all our alliances. He compared the conduct and the objects of the French government with those of the Grecks and Romans in ancient, and of Louis the 14th in modern times, contending, that Buonaparté was now pursuing the same line of policy with every government that had ever aimed at universal dominion. He adverted in particular to two gross and palpable breaches of faith on the part of France: the late invasion of Tuscany, and the demolition of the fortresses of which she had obtained possession. He had still to congratulate Great Britain on her resources, her power, and her navy, now at a higher pitch of glory than ever. Though a cloud hung over us at present, the uniform and vigorous conduct of the country would dispel it, and still bring all to a favourable final issue. Though the emperor of Germany, by bad counsels, or whatever other cause, had entered on negotiations, that was no reason for us to imitate the example, in the present temper of the French government; though that sovereign might, from the pressure of his circumstances, be driven to this step, that afforded no argument for us to throw ourselves at the mercy of an enemy, whose designs were so dangerous to every independent state. We were still in a situation to maintain the contest with effect, and even to rescue the Emperer from the embarrassments of his present situation. He concluded by seconding the motion.

Sir *Francis Burdett* said, that he could not agree to the address, because ministers had thrust into it a phrase respecting their own conduct, to which he would never give his assent. Ministers had introduced into the Speech from the throne, a phrase which admitted that the uniform tenor of their conduct had been influenced by a desire for peace. Had the House forgotten the exulting strains in which the right hon. gentleman opposite (Mr. Windham) had poured forth his rejoicings at the failure of the negotiation at Lisle? Had they forgotten all the abusive language contained in lord Grenville's letters, not only refusing to enter into negotiation at the time, but even appearing to preclude the possibility of entering into it at any future period. The principal object to which their attention was called in his majesty's Speech was the alarming scarcity which was at present felt by all, and to which one half of the community were falling victims. To him the cause of this scarcity was so plain as not to be mistaken. It was owing to the millions squandered away in the prosecution of the war. The weight of the taxes had raised the price of every necessary of life to its present enormous height. As for the address, he could not agree to it, nor would he agree to any address which had not for its object the removal of those ministers, who only regarded the immensity of their own incomes, had come down from session to session, had boasted of the flourishing state of our commerce and manufactures, of the solidity of our financial system, and of the inexhaustible resources of the country; but who were now forced, as an inevitable consequence of their own measures, to substitute a disconsolate in the place of their formerly triumphant tone—of those ministers who had flogged, tortured, massacred, and, finally subjugated Ireland, who had wrested the East Indies from a company of merchants, and who had filled up the measure of their crimes by annihilating the liberties of the people of England!—Of those ministers who had

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squandered the public money, in compensating the holders of boroughs, in indemnifying Corsican emigrants and American loyalists, in supporting French clergy, and pensioning French noblesse; in Russian, Austrian, Bavarian, Hanoverian, Wurtemburgian, Sardinian, and Neapolitan subsidies, and even in sending troops to defend the states of the pope! The general cry at this moment was for bread, and this cry was owing to their forestalling of produce, to their monopoly of wealth. They were now starving one half the country, in order to corrupt the other. He wished to point out the cause of the present distress and famine, and he had no difficulty in doing it. He had not far to look for it. It stared him in the face [Looking at Mr. Pitt]. It was seated on that treasury bench. The House of Commons had of late years been too much accustomed to vote away millions upon millions, at the desire of that right hon. gentleman, without calculating the mischiefs which were likely to arise from their conduct. He was convinced that in doing so, they imagined they were only voting away so much money in bank notes, and that the apology for their own facility was the facility of multiplying paper as fast as they could grant the sums. If the right hon. gentleman had put the question to them unmasked, and desired them to declare, whether they would or would not starve the country, he was certain that his influence, great as it was, would never have induced them to pass any such vote. This however was the question which had been submitted to the House, and upon which they had come to a decision every time the minister had brought forward his budget. He conceived the new taxes consequent upon every new loan to be so many tickets issued as payable from the produce of the active capital of the country. In this view of the subject, he entreated the House seriously to consider what was the real situation at this moment of every man in the kingdom, in regard to his income, so far as it was mortgaged to the state, and so far as it was available for his own necessary supplies. He would divide, for instance, a farmer's income into 900 parts: 300 of these parts he considered as payable for rent; the national debt he considered as engrossing 300 more; for tythes he allowed 100, and for poor's rates, income tax, &c. he put down thirty, so that their remained only 170 for his own use. The cultivator is forced to raise the price of his produce, the placeman is forced to pay ten for what he before paid five, his salary is in consequence raised, tickets multiply, the burthens of the public are increased, whilst the great bulk of the people can obtain neither tickets nor produce. But besides these, there were tickets for the whole national establishment, tickets for the maintenance of the royal family, tickets for the support of the army and navy, tickets for the salaries of ministers, tickets for the collectors of taxes, tickets for the proposers of taxes, tickets for the inventors of taxes; in short, after taking all the reductions from a man's real income, very little remained applicable to his own private use. This he considered to be the actual state of the country. To this situation brought on by the politics of ministers, he ascribed the present distressed state of the people; and as the address went to approve the conduct of those to whom the public owed all its calamities, he should most strenuously oppose it.

Mr. *Robson* said:—Sir, I rise to express my disapprobation of the address, because it does not hold out to the people the deplorable state of the country, and the real cause of the dearness of corn, and of every necessary of life. Sir, this address is of more importance than any ever submitted to parliament: it is so, because a distressed people have been petitioning for, and anxiously waiting our meeting, in full expectation that we could give them relief. Sir, I repeat, they expect it—I hope they will not be disappointed—I dread the consequences. This, Sir, is my reason for calling it an awful day. Sir, things cannot go on long as they now are. Sir, I am one of those who agree with the seconder of the motion, in his opinion that no scarcity exists. With permission of the House, I ask leave to explain my reasons for so thinking. Sir, I have had occasion, in the course of the last three or four months, to pass through most of the principal counties in England: I had the pleasure to see plentiful crops, and the greatest part well got in, and at small expense. Sir, every body I met congratulated me in the month of August and part of September, saying, "Now, Sir, we must have bread cheap!" I found in the market, plenty of old wheat brought to what I was pleased to hear was a falling market. Sir, the finest oats were sold

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the last week in August at Huntingdon at 24*s.*, and now I believe they are at 50*s.* A short time afterwards, a report appeared in the public newspapers, purporting to be a report of the board of agriculture. It had a very great effect on the markets; for corn immediately began to rise. Sir, the people upon this became dissatisfied; tumultuous meetings, and mobs seizing the corn, as might be expected, grew into riots. Government very prudently issued a proclamation, which unfortunately, instead of appeasing the people, had a contrary effect, for they considered it as a measure that encouraged and protected farmers and monopolizers. Sir, upon the back of this came out that letter of the duke of Portland. Sir, until that letter was published, hardly any body believed in scarcity; but, when it came from the secretary of state, who could doubt it? Sir, these three measures were the cause of corn rising: nothing was to be heard but a cry of scarcity, and that in the most plentiful country. Sir, seeing, as I have, the finest crop growing in various parts of the country, I cannot but believe there is no scarcity. I must couple it with, and attribute it to, other causes—the accumulation of taxes, and the enormous increase of fictitious property. As it increases, so will all real property (for so I consider the necessaries of life) rise in value. Sir, there is no more reason for the dearness of wheat, oats, and barley, than there is for coals, cheese, butter, leather, and hay. Sir, I am not at a loss to account for the increased price of every thing, nor the evils under which the people labour; it is to be ascribed to the increase of taxes, and the unmerciful manner in which they have been laid on. The natural consequence, and what the farmer pleads, is, that his landlord, under the plea of paying his income tax, has raised his rent; that he has the income tax to pay himself, besides an accumulation of other perpetual taxes; added to this, labour is dearer. Sir, the farmer is compelled to a certain degree to raise the price of every thing that his farm produces. Sir, the plain truth is, that the weight of taxes has absolutely subdued the pride, not only of the farmer, but of all the independent part of the country. Sir, I repeat to the chancellor of the exchequer, that in his administration the middling order of people are no more—they are subdued. Much has been said concerning the poor; but I am at a loss to know what the poor means. The denomination of the poor now extends half up the ranks of life: persons possessed of from 200*l.* to 700*l.* a year must now be classed among the poor. It is that body of people, which were the pride of my country, that are subdued. Sir, there is another cause that does considerable mischief in making every thing dear—I see an immense quantity of fictitious paper in circulation. It is the country banks I alludo to. Sir, I know an instance of a farmer who owed a large arrear of rent, who would neither pay his rent, nor take his corn to market. Being pressed upon the subject by his landlord, he went to the next town, to one of these banks, borrowed the money upon his note at two months, paid his rent, and withheld the corn from market. The douceur here was the putting this fictitious paper into circulation. These banks add very much to the distress of the country, by enabling monopolizers to carry on their trade. Sir, of these country banks there are between 4 and 500 in the kingdom, whose notes in some cases, are preferred to those of the Bank of England. Sir, provided government do not take some strong measures with respect to these banks, I shall think it my duty to submit a motion to the House for their approbation. We have been these eight years engaged in an expensive war. Hitherto we have been induced to continue it, from the easy manner in which money has been raised, to pay the interest of which 7 or 800,000*l.* perpetual taxes have been laid on annually. Thus much of taxes have been patiently borne; but now comes the fatal blow—the income tax. A chancellor of the exchequer is bold enough to call upon the people to raise in one year the additional sum of seven or eigbt millions. Now, I appeal to the House, whether so violent a measure could be practised without affecting the price of every article of life? Added to which, was the adjournment of parliament, with an uncontradicted avowal of the chancellor of the exchequer, who gloried in having refused to treat with the government of France, although Buonaparté had sent twice to this country to ask to open a negotiation. He boasted of the wise and dignified answer sent by lord Grenville to Buonaparté, which answer had raised the army of reserve which had placed Buonaparté where he was. Sir, this "wise and dignified" letter was used with great success by the

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recruiting serjeants in every town in France. For a moment, Sir, suppose yourself a Frenchman, and read lord Grenville's letter; what would occur to you? "We (France) have sent twice to you (England) to propose peace, and you (England) refuse even to hear us." Would it not rouse any man, for his country to be thus insulted? Sir, added to this impolitic measure, is a declaration from the chancellor of the exchequer, that if in his opinion it should be necessary to carry on the war, he has 200 millions more money ready for the prosecution of it. Sir, I will ask the House how, with such measures and such a declaration so taken and made by administration, can they or the nation expect better times? Sir, why not separate ourselves from our continental alliance, and make peace? The Emperor has no claim upon this country. The Emperor entered into an engagement not to make peace till next February. This dear-bought treaty cost this country two millions and a half. The last instalment will soon be paid: when he gets the money, I expect he will make peace. What benefit has England received from this treaty? I find nothing done, not a single battle—an armistice the whole time! Why, Sir, this conduct is insanity. Sir, I am of opinion that to be disengaged from all continental alliances, would be the best thing that could happen to this country. We are not up to the intrigues of the continental powers. Sir, a separate peace is, in my opinion, more desirable than one which is liable to be broken by continental allies. Let us depend on our navy, which has done wonders. Sir, I strongly suspect that our late allies are forming an armed neutrality, which aims at wresting from us our superiority at sea. Sir, if the war continues, these powers will take advantage of our difficulties, and will insult us in our distress. Sir, this brings to my mind what lately happened with Denmark. The dispute with that kingdom is by no means finally settled; it is deferred till peace. Had we made it with Buonaparté at the time he offered it, this question of the sovereignty of the sea, and the right of search, would never have been agitated. By not making peace, we have given the opportunity of forming the armed neutrality. This, Sir, shows the northern powers have it in contemplation to take from us that which we have always enjoyed. I will never give my consent to relinquish the rights I allude to; it would be a severe blow. Sir, the country, as long as the chancellor of the exchequer remains in office, has no chance of peace. In the hour of success he will not treat. In adversity he will not treat. In God's name, when are we to treat? Is it to be an endless war? Give us peace; that will give a free commerce for grain. The public expect relief, not in bread only, but in all the necessaries of life; and nothing but peace can give that. Peace only can relieve us; all other measures, bounties, &c. will injure, instead of doing benefit to the country.

Mr. *Pitt* said:—Whatever variety of opinion may occur in the progress of the discussion of those points to which the speech from the throne, and the address to his majesty, direct the attention of parliament, I flatter myself, that when the real question for the decision of the House is fairly explained, all differences must cease, and all topics of division be suspended. Believing it to be equally the object of every man present to promote, to the utmost of his power, the alleviation of that distress under which the community labours, I cannot suppose that gentlemen will find any ground of dissension in an address, the chief purport of which is merely to thank his majesty for the opportunity which he has given to parliament, of entering upon the consideration of the subject. The Speech, and the address founded upon it, comprehend two great leading topics. They state the difficulties under which the public now labour from a succession of unfavourable seasons. They point to an investigation of the causes of the calamity, and the remedies of which it is susceptible; and, in allusion to the recent communications which have taken place with the enemy, they bring under review the important question of peace or war.

Upon the first of these objects, what does the Speech recommend? What does the Address desire the House to do? In both, an anxious feeling is expressed for the miseries of the various classes who suffer by the high price of provisions, and the remedy proposed is an early, expeditious, and effectual mode of obtaining supply by importation, aided by a narrowed and economical application of the resources which our own means afford. Whatever difference of sentiment may exist respecting the causes of the evil; whatever views may be entertained re-

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specting the most effectual remedies; all, I am persuaded, must feel how delicate the subject is, how difficult the discussion, how careful the legislature must be in the adoption of specific measures of remedial policy. But, aware of these circumstances, all must, at the same time, be sensible, that two modes of relief, simple, practical, safe, and effectual, are placed within our reach. The first of these is importation from abroad. Experience has sufficiently proved the efficacy of this resource. We know, by the most authentic documents, that the importation last year exceeded any thing that had ever taken place within the same space of time. The importance and necessity of this expedient must at once be recognized. We have likewise the satisfaction of knowing that we possess the means of rendering this aid effectual. Great as the last year's importation was, it is in our power to render that of the present more extensive. This is to be done by bounties, on the principle acted upon last year, by which provision was effectually made, that the expense of the bounty should never be imposed on the country, but when the necessity for it existed, and when the advantage of it was ascertained. That principle will be again applied, with the benefit of former experience. The assistance derived from it will be increased in proportion to the more favourable harvest in foreign countries. It is consolatory to know, that, on the continent of Europe, as well as in America, the crops have been productive; and no doubt can be entertained, that the wealth of this country must command a supply that cannot fail to relieve the difficulties under which we labour.—As to the other object, the diminution of consumption and the employment of substitutes, the experience we have had of the efficacy of these expedients enables us to call them into action with new effect. In 1795, 1796, and in the course of last year, we derived much relief from the examples of economy which were set, and it will be our business now to practise the knowledge we have acquired. Upon the consideration of these simple and easy remedies, more will be done to afford effectual relief to the community than any doubtful experiment of regulation to reduce the price of commodities, and to obtain the supply of the market with all the effect which the most confident might ascribe to it, could produce.

Our agreeing to these preliminary steps by no means precludes farther inquiry, or more deliberate determination. But at present no inquiry can be necessary to authorize the expedients which are proposed. Let investigation however be pursued, let remedies be suggested. I do not hesitate at the same time to declare, that, to go beyond the remedy which is plain, practical, and confirmed by the surest experience, must be a dangerous course. It is unsafe in the attempt, it is unworthy of a statesman in the design, to abandon the system which practice has explained and experience has confirmed, for the visionary advantages of a crude, untried theory. It is no less unsafe, no less unworthy of the active politician, to adhere to any theory, however just in its general principle, which excludes from its view those particular details, those unexpected situations, which must render the scheme of the philosophic politician in the closet inapplicable to the actual circumstances of human affairs. But, if it be unwise to be guided solely by speculative systems of political economy, surely it is something worse to draw theories of regulation from clamour and alarm. If we ought not to bend observation and experience to any theory, surely we ought much less to make just principles and tried courses yield to wild projects, struck out from temporary distress, the offspring, not of argument, but of fear; not of inquiry, but of passion; not of cool reflection, but of inflamed prejudice. No man, therefore, who duly considered the causes from which the prosperity of the country has arisen, who well understood the foundation on which it stood; could think for a moment that, to redress any supposed mischief which, in times of peculiar scarcity and distress, monopoly might be supposed to have occasioned, it would be right to strike at the freedom of trade, and the application of industry and capital. To do so, would be to bring us back to something worse than the system that prevailed 500 years ago; inasmuch as the state of the country, the distribution of property, and the employments of industry are so infinitely different from what obtained at the period when that system prevailed. But the system recommended by his majesty is equally removed from these opposite extremes. It is that which true wisdom and enlarged policy alone will recognize; it is that alone, I am convinced, which

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the House will pursue in the application of the remedies which the case may require. Parliament will inquire; it will collect facts; it will seek information; it will examine evidence; and if an abuse is proved to exist, the remedy will be canvassed upon its own merits.

It is not my wish, in this stage of the business, to state any opinions which I may have already conceived upon the subject. In proceeding to the minute investigation of the subject, however, it is not amiss to point out the errors on both sides, from which remedial policy ought to be exempt. There are some sorts of remedies which it is right to show can in no case be employed, as there may be abuses which it will be the desire of parliament to correct by every means in its power to employ. All, however, that the present question requires is, to express our readiness to concur in the measures necessary to promote importation and economy. For this purpose no time for deliberation can be requisite: we must already be prepared on these points with a clear opinion, and ready to pledge ourselves to give them the utmost effect.—On the causes by which the present high price is occasioned, there are, no doubt, many opinions; both the extent of the evils and the remedy have been disputed. The question is embarrassed by many prejudices. Some, whose motives are unquestionable, and the humanity of whose views is conspicuous, may have been led to give encouragement to the errors, and sanction to the clamours which have prevailed on the subject. Others, whose motives are more doubtful, have endeavoured to combine two distinct grounds of prejudice, and to connect the scarcity with the war. Thus upon two subjects, each in itself liable to much misconception, and in its nature demanding a cool examination, violent clamour has been raised; I trust, however, that there are but few who think it wise or useful to connect the discussion of these two topics. The causes of the scarcity, and the policy and necessity of the war, present distinct subjects of consideration; and none will blend the discussion of the latter with the former, who wish only to communicate information, and to suggest remedies.—An hon. baronet, and the hon. gentleman who spoke last have, indeed, attempted to connect the argument; but, with all deference to their talents, I confess I should, before advancing any thing in reply, wish to hear what more weighty arguments can be urged in support of the same side. It appears to me, that, on a general view, no man can contend that the war has any material tendency to increase an evil which can be traced to other causes. But, I perceive, from the gestures of gentlemen opposite, that the doctrine, of which I have given the credit to the hon. baronet and the hon. gentleman who spoke last, is more generally entertained. On this point, then, we shall have an opportunity of a more detailed discussion on a future day. I must think, however, that it is not too much to expect from the good sense and prudence of gentlemen on the other side, that the consideration of the high price of provisions should be guided only by views of public benefit; that no matter should be introduced into it for the purpose of creating undue feeling and unfounded clamours. But, since this question has been started, I beg leave to hint a few general observations, which seem completely to overthrow the argument of those who impute the dearness of provisions to the war. In a more detailed discussion I shall be ready to examine separately the effect of every tax which has been imposed since the year 1793; to state the utmost effect which it could be supposed to have produced, directly or indirectly, on the price of grain; and to prove that these taxes could form, even on the most exaggerated computation, a very inconsiderable part of the increased price of provisions. To show that the war has not any general effect to raise the price of grain, consider only the price of grain at different periods of the present war, though the argument would be strengthened by a review of former wars. Three or four years have been years of comparative high price. In 1794 and 1795, the price was high; but in the interval of nearly three years that succeeded, that is, from about Michaelmas 1796 to Midsummer 1799, the price sunk perhaps too low for the fair profit of the farmer. The general price then in England was from 48*s.* to 49*s.* a quarter. From Michaelmas 1798 to Lady-day 1799, it was not above 48*s.* How then, if the war was the cause of the dearness, did it happen that the effect, which on the hypothesis should have been increasing, was suspended during an interval of nearly three years; and when likewise, during these years, some of the taxes to

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which the effect is chiefly ascribed had been imposed? Previous to the last-mentioned period (one of great cheapness), the triple assessment had existed a twelvemonth, and must have produced its full effect. This plain fact is alone worth a thousand inferences deduced by circuitous reasonings. I shall not enter into a comparative statement of the prices in former wars, nor insist on the ingenious arguments that have been adduced to show that war is favourable to lowness of price. It is deserving of remark, however, that this country, which from the period of the revolution, for a great part of the present century, had been used to export great quantities of grain, ceased to export and began to import in the middle of that peace which succeeded the most successful war in which this country ever was engaged. Thus it is clear, from a deduction of facts, that war of itself has no evident and necessary connexion with the dearness of provisions, and that there can be no reason for at all combining the question of scarcity with the distinct inquiry respecting the policy of the war.

There may, indeed, arise much difference on particular facts, on points of inference, and the nature of legislative operation; but there are leading principles that must be common to all who enter upon the discussion with candid and liberal sentiments. In the consideration of the present calamity we ought, as men of humanity, to look at it with the deepest feelings of compassion for the distresses of our fellow creatures; as public men, with a profound sense of the importance of watching over the welfare of the industrious classes of the community; as men of prudence, who are bound to provide for their interests, and who will not stoop to flatter their errors, we ought to consider it as a malady affecting the state; but one in a delicate spot, not to be incautiously touched — not to be treated with new and violent remedies: — to follow untried theories must be peculiarly fatal in a matter of so much nicety, and wherein errors must be of the most malignant and extensive mischief. In the prosecution of the inquiry, we ought to be open to information; indefatigable to examine, but careful to weigh, and cautious to proceed when the speculation of corrective regulation would lead to overthrow the good that we have proved, for projects not even recommended by plausibility.

As to the extent of the deficiency of the late harvest, it would be no less rash than unnecessary to give any opinion. For the practical remedies proposed, a knowledge of the precise deficit is not required. This, however, we know, that notwithstanding the clamour about monopoly previous to the harvest, it is now universally admitted that the old stock was very nearly exhausted. An early harvest, therefore, found us with less stock than usual; of course that stock, unless aided by importation from abroad and economy of our own resources, must be applicable to the consumption of a shorter period of time than usual. Having already mentioned substitutes, and remarked that experience had rendered us more familiar with their utility and the mode of their application, I shall just mention how they may be rendered more effectual on the present occasion. We know that last year the crops failed almost generally in all the articles of provision. This year, though wheat is short, several other kinds (particularly barley) are plentiful both at home and abroad. By the due application of the resources of economy and of substitutes, joined to importation, I am satisfied that the supply of the year will be made to answer the consumption. I do not wish to underrate the difficulties of our situation; but this I will assert, that, if we employ proper precaution, and exercise becoming firmness, we have in our own power the remedy for the distress under which the country labours. I do not imagine, indeed, that any extraordinary and rapid diminution of price is to be expected; but if we abstain from all rash experiment in the established course of trade, there is the best reason to think that there will be a considerable reduction of price, a reduction gradual and permanent, one that will alleviate the distresses of the poor, without risking that increase of consumption which ought so much in the present circumstances to be avoided. Besides the actual deficiency this year, the late high prices might be accounted for on reflecting that the stock of last year was exhausted, that the farmer must have been unable both to provide for the demands of the market, and to prepare for the supplies of seed which a more favourable season had required.

This of itself is sufficient to explain the high price for several weeks, without supposing any great deficiency of crop,

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or any improper arts to keep back grain and to starve the market. It certainly was an unfortunate error to ascribe the prices too much either to the deficiency on the one hand, or to monopoly on the other. In the one case it gave a sanction to high price, and in the other to unfounded popular clamour. The past prices, however, I am fully convinced, ought not to be taken as a proof and index of what future prices may be. If the order of things by which the market has so long been regularly supplied be not disturbed by impolitic interference; if we are prudent to encourage importation, and firm to oppose all useless waste, there must in the course of the year be a gradual abatement of price. In fact, as soon as the effect of importation and economy begin to be felt, no regulation will be necessary to supply the market and to reduce the price. The most prejudiced will see, that the surest remedy for monopoly, if it has existed (and I do not believe it has existed to any considerable extent), is to increase the quantity and to diminish the consumption, to which highness of price must essentially contribute. If corn has been kept up, it will be sufficient to bring it out, to show both to the grower and consumer that we have the means of rendering the supply of the whole year adequate to the demand. A proper diminution of price will then ensue: for no man who truly estimates the difficulty of our real situation, and the means by which alone it can be relieved, would desire that in a time of scarcity the price should experience a temporary depression to what it would be in a time of plenty. This would be to remove the necessary and most effectual corrective of scarcity.

I trust, therefore, that one of our first measures will be, to go into a committee of the whole House, to fix the quantum of bounty to be allowed on importation. I should next propose, that a select committee be appointed to investigate the subject of the scarcity, and to this committee will be referred that part of the king's speech which refers to this point. I should propose likewise, that the committee shall from time to time recommend such measures as seem on the result of its inquiry fit to be adopted. I do not wish to anticipate any of their measures; but one suggests itself, which may be of great benefit as a regulation, particularly if sanctioned by example. This would be, to direct that all parochial relief, instead of being given in money, or wheaten bread, shall be given in bread partly made up of some wholesome substitutes. I believe that this practice has already made its way in some parts, and it appears to me that its extension would be attended with the most beneficial effects.

Thus much I have thought it necessary to state on the two leading points respecting the scarcity. On the question of peace or war, I shall only observe, that, as the papers on which the merits of the case must be decided are not yet before the House, it would be premature to enter at large into the discussion. There certainly is nothing in the address which pledges any opinion of the House on that point: this pledge it gives indeed, which no man I hope will shrink from, that if peace cannot be concluded on terms consistent with public faith, with the national honour and interests, we shall continue to support his majesty with that firmness, decision, and energy which this House has uniformly displayed. I cannot anticipate any difference of opinion on this head. The speech states what will no doubt appear distinctly from the communications that are about to be laid before parliament, that his majesty could not negotiate without separating his interests from those of his allies; and the importance of those alliances is justified by the desire of the enemy to dissolve them. If, then, the enemy advanced a pretension so unheard-of, as that his majesty, as the price of connexion with them, should break his faith to those allies with whom he was connected; if, as the price of being united in amity with his majesty, France wished to put an end to the union which subsisted between him and his allies, surely I ought not to presume that in such a preliminary to a negotiation, any member of this House will find conditions, which prove the sincerity of those who pretend to be the friends of general tranquillity, or conditions to which his majesty could have acceded. I trust, therefore, that as unanimity is desirable on every occasion, the House will without delay, and with a concurrence approaching to unanimity, proceed to declare its readiness to adopt such measures as alone are calculated to afford relief to the community. This is the only way to prove a sincere and enlightened regard to the interests and well-being of the poor. By showing a real and substantial regard to their happiness, we shall guard against the conse-

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quences of the false and dangerous expectations with which, by factious persons, they have been deluded on the subject of the remedies of which their sufferings admit. Parliament cannot by any charm convert scarcity into plenty; but it is something to show that no time is lost in adopting every practicable means of alleviating the present distress, and ensuring the regular subsistence of the people. In the farther discussion let us proceed with caution, and examine with impartiality. Let us act with proper temper, firmness, and sobriety, that we may be able to discover where the cause of the evil really rests, and apply the remedy which will be truly serviceable.

Mr. *Sheridan* said:—Sir; if ever unanimity is peculiarly desirable, it must be on an occasion when the House is called upon to consider of an address to the throne on the affecting topic of the high price of provisions. In general, the minister has found the House as obedient, and of course as unanimous, as could with any decency be wished; but whatever may have been the docility of gentlemen in times past, the present is a period for unanimity. The particular object of the Speech evidently is, to draw the attention of the House to the state of the country in regard to the high price of provisions; and since it is manifest that his majesty is solicitous to favour any measures that may tend to lower the price, we are bound to approve of the address, so far as relates to the assurance it gives, that we will do all we can to alleviate the sufferings of the people. If the address were negatived, it would imply that the House refused to co-operate with his majesty in such measures as may most effectually tend to relieve the country. The suggestion respecting importation seems to be well-timed and politic. The third topic is that relating to the laws against forestallers and regraters. The language of the Speech, and of the minister to-night, on this subject, is wise and manly. But the right hon. gentleman contends, that the high price is neither caused by the taxes nor the war. I admit the question is one of great delicacy. I allow, that at a moment like the present, it is incumbent on us simply to look at the question of the high price of provisions, and to inquire how the evils which the country suffers can most effectually be cured. Yet we must not skim over matters. It is the duty of the House to find the people bread, but it is also our duty to find them the truth. If war be not alone the cause of the present high price of provisions, it is certainly an aggravation of the sufferings of the people. The war, then, ought to be discontinued. Will it be denied, that, while there are 300,000 men employed in the navy and army, there is not, of necessity a considerable waste of provisions? Every man employed in such service causes the consumption of, perhaps, five times as much provisions as are used by the same number of individuals in time of peace. Will any man who knows that Malta was victualled from Leadenhall market doubt that the waste caused by the war has been immense? In the navy, the transport, and the victualling department, by the consumption of persons who hardly ever used any animal food at all, the waste is of necessity great during war. To which if we add the probable expenditure and waste in barracks for the cavalry, regulars, and volunteers, and in general throughout the domestic departments of our warlike system, no man will deny that war is a cause of dearness and scarcity. One word more. I say, God forbid that the war should not be the cause! for if it be not, the situation of the country is indeed deplorable. But, believing that the war is the great cause of our sufferings, I hope that the House will seriously turn its attention to peace. Upon the whole; I do hope, Sir, that the House will be unanimous on the present occasion.

Mr. *Nicholls* said, that the war had given rise to the famine in 1795, and also to the famine of 1800, and that no relief could be expected but from the conclusion of peace. When the war began, in 1793, the plan was suggested, of famishing France. Into the morality of such a measure he would not now inquire; but, it would appear, that the agents of government, in 1793 and 1794, had introduced too little corn from abroad; the consequence was, that there was a scarcity in the spring of 1795. That scarcity, which broke out in May in that year, was not the consequence of the bad harvest of the preceding year, but of the insufficient introduction of corn in the years 1793 and 1794. The agents, however, redoubled their activity in the subsequent part of the year 1795. But the introduction was still unequal to the demand; and the consequence was, that the minister signified to the corn-dealers, that he would abandon the trade if they would resume it.

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The dealers did resume it, and they imported, in 1796, 1,086,000 quarters. What was then the conduct of the minister? The corn dealers say, he broke his faith with them; for, with 70,000 quarters, which his agents had bought, and 80,000 more, which he had on hand, he sunk the price of corn 56*s.* a quarter. This gave birth to the second famine. You knew of the famine of 1799 early enough; why did you not send for corn? The dealers would not trust the right hon. gentleman! They did not send while the Baltic was open. If they had, the famine would not have broken out so early. Something had been said of forestallers and monopolisers. It was the government of the country monopolising and forestalling the country. But the right hon. gentleman had said, that corn was cheap in 1797 and 1798. True, but we had an importation of 1,086,000 quarters in the year 1796.—With respect to the frugality which was recommended, we had about 3 or 400,000 soldiers and sailors in pay, who certainly consumed more than they did in those employments from which they had been taken by the war. The men under sir Ralph Abercrombie were fed with animal food and with wheaten bread: in the cottages which they inhabited before the war, their usual fare was, perhaps, neither animal food nor wheaten bread. If they were Irishmen, their food consisted of potatoes and butter-milk: if Scotchmen, they had lived, probably, on oatmeal and herrings. If we meant, therefore, to adopt a real system of frugality, we must reduce the number of our soldiers and sailors.—He came now to the measure recommended in the speech, of importation from abroad. Would not the power of going to a third market produce a more plentiful supply? Would it be no advantage to have the ports of Belgium open to us? Would not the conclusion of peace, by lessening the freight and insurance of ships, reduce the price of corn imported in them? Would it be nothing to increase the number of productive labourers? Could there be any doubt, after this, that the war augmented and aggravated the famine? If the war raised wheat to 36*l.* a load, which in peace was not more than 18*l.* then he would maintain that the war was the cause of the famine. Under such circumstances, it was the duty of the House to say to his majesty, when he recurred to them for advice, that peace ought to be made.—Another cause of the scarcity was the raising such vast sums within the year, and the increase of paper money. Did not the latter cause increase the price of provisions in America and in France? Had it not increased the price here? When the Bank stopped payment, he had advised the limiting the issue of bank-notes. Previously to that period, there was a natural limit, for every man had power of getting his note changed into gold at the Bank. As this natural limit was removed, he had recommended an artificial one, and that the number of notes should be limited. This recommendation, however, had been rejected. Mr. Nicholls next took a view of the increased price of gold, and of the exportation of gold for the purchase of corn and for the payment of subsidies. Would you pay for that corn, and those subsidies, in bills of exchange? No, for the exchange was 12½ per cent against us. We were forced, therefore, to send gold. Would less be sent out this year for corn, if the war continued? Gentlemen should recollect, that, supposing there was a good crop of wheat in 1801, that would not make corn cheap in 1802. One good year alone did not make corn cheap. These were things which ought to be reflected upon seriously.

Mr. *Grey* said:—The chancellor of the exchequer, Sir, appears more solicitous than ordinary to recommend unanimity, in adopting the proposed address. In that wish my hon. friend (Mr. Sheridan) has acquiesced; and sorry I am that, from such an opinion, I should feel myself obliged to dissent. Sorry am I, that, in a crisis like the present, unanimity should not reasonably be expected. But have the administration to whose hands our affairs are entrusted, a just claim to that unanimity? If we look for vigour on their part, we only discover weakness; if for wisdom, folly; if for foresight, rashness; if for concert, distraction; if for vigilance, inattention; if for energy, remissness; if for economy, profusion. Shall we, then, the guardians of the public purse, signalize, by a show of unanimity, the mean and treacherous desertion of a trust that is supposed to be confided to honour and integrity. I cannot, therefore, agree, that an address like the present, under such alarming circumstances of the country, should be presented to the throne. What is about to be proposed, will, I fear, amount only to a palliative; I agree therefore with my hon. friend (sir F.

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Burdett) that there is no effectual remedy but a peace. To the war, however, I cannot solely ascribe our present calamities; though I regard it as aggravating the distress which unfavourable seasons may have produced. After a brief recapitulation of the various miscarriages of the war, Mr. Grey continued thus:—Leaving these topics for future discussion, I shall say a few words upon the subject more immediately treated of in his majesty's speech. The right hon. gentleman lays the whole blame of the present scarcity on the seasons. The right hon. gentleman concludes that war can have no peculiar effect to enhance the price of provisions, because wheat was cheap in 1797. But it appears, that all kinds of corn was dearer during the course of the seven years war, than during the seven years which preceded it; and that, exclusive of the years of particular scarcity we have lately experienced, wheat has been 8*s*. per quarter higher during the five cheapest years of the present war, than it was between 1788 and 1793. War must necessarily tend, in various ways, to produce scarcity. Thousands are taken from laborious occupations, to consume what is produced by the labour of others. If each of them does not exactly eat five times as much as he did before, the effect of his change of life produces in bringing on a scarcity is as great as if he did; for, instead of living on vegetable diet, he must now be fed with beef and mutton; and it is well known, that it requires five times as much land to maintain a man who lives on animal food, as another who tastes nothing but vegetables.—The right hon. gentleman stated, that he was not sure but monopoly might have some share in creating the high price. I am of the same opinion; though I adhere steadily to the principles of Adam Smith, and maintain that, in general, all apprehension from unfair dealing is chimerical. But the evil arising from this source I ascribe solely to the war. In time of peace the demand is constant and regular, and speculation never will be extended beyond the wants of the community; but in time of war fleets are to be victualled, armies suddenly called together are to be fed, and expeditions are frequently fitted out: thus, a spirit of adventure is generated, and enterprising men may take advantage of the facility of raising money to speculate to an exceptionable degree.—Mr. Grey then adverted to the corn laws. He approved of the manner in which the subject was mentioned in his majesty's speech, and deprecated all precipitancy in altering the system which now prevails. The best way, he said, to procure an ample supply of corn was, to leave the commerce in that article completely unfettered, and to protect from all violence the grower and the dealer. The fixing of a maximum would prove the ruin of the country. The experiment was tried, in the reign of Edward 2nd, when it was productive of the most deplorable effects. In Scotland the attempt proved almost equally fatal. Against this measure, therefore, they had, to use a favourite expression, "experience, and the evidence of facts." He approved, likewise, of that part of the speech which mentioned the temporary disturbances which had taken place in various parts of the country. Nothing could exceed the malignity and wickedness of those who took advantage of the difficulties in which we were involved, to stir up the people to acts of violence and outrage. It was said, that we could not enter upon a separate negotiation consistently with our engagements to our allies. With what allies? It would scarcely be said, that we were fettered by any engagements with the emperor of Russia, and the emperor of Germany was actually treating with the French republic. No principle of good faith prevented us from entering upon whatever species of negotiation we thought fit. He was glad to see, however, that a joint negotiation seemed to be considered desirable; but he could not help again regretting that the opportunity had been lost when we might have engaged in it under circumstances so much more favourable than the present. Besides that the address totally approved of the conduct of ministers, he could not vote for it, because the last paragraph seemed to give ministers credit for an anxious desire for peace. That they would have no objection to it if the Bourbons were restored, and they had brought their *bellum internecinum* to a prosperous conclusion, he could easily conceive: but, after the manner in which they had thanked Providence for the failure of the last negotiation, that they were inclined to treat with the present government of France, no one could be so credulous as to believe. He would therefore move an amendment to the Address, by leaving out the last paragraph, beginning with "That, concurring with his majesty."

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Mr. Secretary *Dundas* said, that after the king had announced his anxiety for peace, for the House to return no answer either of approbation or disapprobation, would be extraordinary. It would be the first time that, to such a communication on the part of the sovereign, parliament had made no answer. So far from ministers being blameable, they had great merit in bringing forward the consideration of a general effort for the relief and safety of the country, free from any other topic. The hon. gentleman had, in a variety of cases, in concert with his friends, held a very different language. How often, whenever any matter of particular concern arose, had they expressed their regret, that the unanimity with which a subject so interesting ought to pass, should be prevented by its being mixed with other topics. And surely it would be allowed, that there never was a case that so forcibly called upon the House for unanimity as the present; for it was a subject upon which the feelings, the interest, the anxieties, the talents, and the virtues of all were implicated. The hon. gentleman had so often spoken of the incapacity and ignorance of ministers, and of their disgraceful and ignominious conduct of the war, that the repetition of those groundless charges had ceased to make any very disagreeable impression on his mind. But he would say, that he was ready in any way, and in every way whatever, to show, that of all the wars in which Great Britain had ever been engaged, the most successful and advantageous, without exception, was that in which we were now engaged. With the exception of Guadaloupe, the whole of the possessions of our chief enemy in the West Indies were in our possession. From Spain we had taken Trinidad and Minorca. The whole colonial possessions of Holland were ours. The difficulty, then, was, what we were next to attack with our troops? For there was not a valuable possession which was not already in our hands. Who but the hon. gentleman, would express a doubt of the value of Malta? Whether in peace or war, he would aver, that there was not in the world a more important fortress.

Mr. *Jones* said:—We are now called on to avert, if possible, approaching famine; and I cannot agree that war is no part of the cause. I maintain it is the principal cause; and I will state one reason. If a contractor has gone into Smithfield market, and purchased in one day 20,000*l.* worth of beef and mutton for the army and navy, how can private families be served at a reasonable rate? The right hon. secretary of state has advanced, that this has been a successful war, and that we have acquired vast possessions from the enemy. Where, Sir, is St. Domingo? How long, and with what expense, has St. Domingo been evacuated? Where is the convention (once broke) for the ratification of the evacuation of Egypt, which the right hon. secretary of State promised the country? Sir there never was a greater proof of the want of capacity in his majesty's ministers than that affair. Nothing but the bayonet can now get the French out, and perhaps not that. His majesty has called us together on this awful occasion of famine. Would to God, his ministers had equal regard for the welfare of the people, which our good, and gracious, humane and benevolent, and religious sovereign has. But, the fact is, Sir, they now at this moment ride on the popularity of the king; and I fear they will risk that popularity. Truth, and the whole truth ought to be told to ministers. Truth they have always had, and shall have from me. To me ministerial sneers and majority sneers are a triumph. Truth will prevail first or last; and though, coming from an humble individual like myself, it may at first be contemned, it will find its way; it will be promulgated as it were, in thunder and in lightning—in the high towering mountain of public spirit, the burst of public opinion. Our meeting now, Sir, is the result of that burst of public opinion. Famine stares us in the face! How is it possible for the right hon. secretary to have made the assertion, that this has been a successful war? He has great facetiousness and good humour, and wit: and surely this assertion must be meant as a joke—he cannot seriously mean it. As to the naval part, it has most certainly been brilliantly successful; but let us look at our expeditions by land. Ministers seem to me to have planned these expeditions when they were lost in the bewitching smiles of Burguudy." They have then conceived themselves the arbiters and conquerors of Europe. Witness the success of the expeditions to Belleisle, Ferrol, and Cadiz, and many others. Ministers are not the men we have imagined them to be, they have not that political knowledge which people have supposed;

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I begin to think they are not above the common level of men. I think many of the gentlemen I occasionally act with, equally fit for the trust they enjoy; and I do not think I over-rate myself in saying, that for my country's cause I would enter into office upon a conviction that I might do as well as many of his majesty's ministers—I could not well do worse, God knows! Very soon I shall bring forward a motion for peace, and the dismissal of ministers, as the only cures for famine and the other evils we groan under. As to the address, the former part of it I vote for sincerely; but as to the latter, breathing war, I totally deprecate it; and I cannot think that any member will vote for the address altogether, if he considers his country and his God.

Mr. *Sheridan* said, that he considered the state as a vessel which had got damaged upon a rock, from which it was the duty of the crew to disengage her first, and then to call the master to account for his negligence.

The question being put, "That the words proposed to be left out stand part of the question;" it was resolved in the affirmative. The Address was then agreed to.

The King's Answer to the Commons' Address.] To the Address of the Commons, his Majesty returned this Answer:

"Gentlemen:

"I thank you for this loyal and affectionate Address. — The diligence and promptitude with which you propose to take the earliest and most effectual measures for alleviating the distresses of my subjects, by encouraging an ample importation of corn, and promoting economy and frugality in the consumption, cannot fail to produce a salutary effect; and the temper and moderation with which you are prepared to enter on the different points connected with the important objects which I have recommended to your deliberation, will, I trust, be attended with present and future benefit to the country. I receive with great satisfaction the assurances of your concurrence in my wishes for the speedy restoration of peace, on grounds consistent with the honour, and true interests of my people; and at the same time of your determination, if that object should be unattainable, to afford me that continued and decided support which may best enable me to maintain unimpaired the security and honour of these kingdoms."

Papers relating to the Negotiation for Peace with France.] Nov. 13. Mr. Secretary Dundas presented to the House, by his Majesty's command, the following

PAPERS RELATING TO THE NEGOTIATION FOR PEACE WITH FRANCE.

No. 1.—TRANSLATION of a Lettter from M. Otto to Lord Grenville, dated Hereford-street, 6 Fructidor, 8th year, August 24, 1800.

My Lord; However scrupulous I may have hitherto been to follow in all respects the path traced for my official communications with the ministry of his majesty, yet the secrecy and dispatch requisite for those which form the subject of the enclosed note, appear to me to justify a more direct communication. I flatter myself, therefore, that your excellency will not disapprove of the step I now take of communicating to you, without any intervention, the intentions of the French government respecting the overtures which have been made to it by baron Thugut.—If his majesty should accept the propositions contained in the enclosed note, I beg, my lord, that you would appoint, as soon as possible, the person who shall be employed to treat with me; and who, without doubt, will be guided in this important negotiation by that spirit of conciliation which alone can contribute to the restoration of peace and good understanding between the two governments. I have the honour, &c. OTTO.

No. 2.—TRANSLATION of a Note from M. Otto to Lord Grenville, dated London, 6 Fructidor, 8th year, August 24, 1800.

To his Excellency Lord Grenville, Secretary of State for the Department of Foreign Affairs.

His imperial majesty having communicated to the government of the French republic a note from lord Minto, envoy extraordinary and minister plenipotentiary of his majesty the king of Great Britain at the court of Vienna, from which note it appears that the desire of his Britannic majesty is, to see a termination of the war which divides France and England, the undersigned is specially authorized to demand from his majesty's ministry farther explanations respecting the proposition which has been transmitted by the court of Vienna; and, at the same time, as it appears impossible that at the moment when Austria and England take a common share in the negotiations, France should find herself under a suspension of arms with Austria, and a continuation of hostilities with England, the undersigned is in like manner authorized to propose that a general armistice be concluded between the armies and the fleets of the two states, adopting, with respect to the places which are besieged and

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blockaded measures analogous to those which have taken place in Germany relative to Ulm, Philipsbourg, and Ingolstadt. The undersigned has received from his government the powers necessary for negotiating and concluding this general armistice. He begs his excellency lord Grenville to lay this note before his Britannic majesty, and to transmit to him his majesty's answer.

OTTO.

No. 3.—LETTER from Lord Grenville to Captain George, dated Downing-street, August 26, 1800.

Sir; I am to request that you will endeavour, as soon as you can, to see M. Otto, and to ask him from me, whether he has any objection to deliver to you, sealed up for me, the papers to which his last communication refers, as his doing so will expedite his receiving the answer to it. You will at the same time apprize him that you are not informed of the particulars of that communication, or of its tendency; and that you have been charged to make this inquiry, in order to avoid drawing any attention to it.

GRENVILLE.

No. 4.—TRANSLATION of M. Otto's full powers, dated Paris, 2 Fructidor, 8th year.

Buonaparté, first consul of the French Republic, in virtue of the forty-first article of the constitution, gives to the citizen Otto, commissary of the government for the exchange of prisoners in England, power to propose, to consent to, and to sign, conformably to his instructions, a general armistice between the French Republic and his majesty the king of Great Britain.

By the First Consul, BUONAPARTE.
The Secretary of State, HUGUES. B. MARET.

No. 5.—LETTER from Lord Grenville to Captain George, dated Downing-street, August 28, 1800.

Sir;—I have the king's commands to desire that you will, as soon as you can after the receipt of this letter, see M. Otto; and that you will return to him the original of the paper which he delivered to you on Tuesday last.—In making proper acknowledgments to him for his attention on this occasion, you will mention, that the paper I had wished to see was not this, but lord Minto's note referred to in that which M. Otto addressed to me by order of his government on the 24th instant; but that, while you were with M. Otto, I received, by a messenger from Vienna, the copy of lord Minto's note, together with that written on the same subject by M. de Thugut to M. Talleyrand.—I enclose to you for your information a copy of the former, and an extract of the latter of those papers, which you will return to me after you shall have seen M. Otto. The reason of my communicating them to you is, to enable you to converse with M. Otto on the subject of them, in conformity with the instructions contained in the minute herewith enclosed, which you are at liberty in the course of your conversation to show to M. Otto, as containing the heads of what you are charged to communicate to him.—You will of course carefully confine your conversation within the limits of that paper; and you will as soon as possible deliver to me a written minute of what shall have passed between you and M. Otto on the subject. I am, &c. GRENVILLE.

No. 6.—MINUTE of Instructions to Captain George, dated August 28, 1800.

1.—To declare that the note presented at Vienna by lord Minto contains the expression of his majesty's sentiments, and that the king is ready to act in conformity to it.—2. To enquire whether any answer has been returned by the French government to the proposal contained in M. Thugut's letter to M. Talleyrand respecting a place for the meeting of plenipotentiaries to carry on joint negotiation; or whether M. Otto is authorized to agree with this government on that point, agreeably to the suggestion contained in M. Thugut's letter.—3. To express in that case, that either of the places named by M. de Thugut would be agreed to by his majesty, and a proper person sent thither on his majesty's part to meet the plenipotentiaries of Austria and France, provided that the French government is willing to enter into sufficient engagements for the freedom of direct communication, by couriers, with such place of negotiation. 4. That with respect to the proposal of an armistice, the king would see with great satisfaction the moment when he could with propriety adopt any measure, the immediate effect of which would be to put a stop, at least for a time, to the calamities of war; but that an armistice as applying to naval operations, has at no period ever been agreed on between Great Britain and France during the course of their negotiations for peace, or until the preliminaries have been actually signed: That it cannot therefore be considered as a step necessary to negotiation; and that from the disputes to which its execution must unavoidably be expected to give rise, it might more probably tend to obstruct than to facilitate the success of those endeavours which the two parties might employ for the restoration of peace: That the circumstances of a naval war are obviously not such as to admit of such equal arrangements as are easily established with regard to military operations when suspended by such an agreement: That it appears, therefore, at all events, premature to enter even into the discussion of this question, until from the course of the negotiations, it shall more clearly appear how far they are likely to lead to a satisfactory issue: And that no decision could in any case be taken here on such a subject unless the

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French government had previously explained in what manner it is conceived that the principles of the regulations adopted in the German armistice with respect to blockaded towns, can be applied to the naval ports and arsenals of France, so as to carry *bonâ fide* into execution, as to the respect maritime forces, the objects which those stipulations have in view with respect to the military positions occupied by the two armies.

No. 7.—Letter from Captain George to Lord Grenville, dated Park-place, August 29, 1800.

My lord;—In obedience to his majesty's commands, communicated to me by your lordship, in your letter of yesterday's date, I called upon M. Otto, and had a particular conversation with him on the subject of the papers delivered to me by your lordship. I made a proper acknowledgment to him for the readiness which he showed to comply with your lordship's wish of communicating the paper you wished to see, which he conceived to be the one I had the honour to deliver to your lordship; and he appears fully sensible of the attention shown him on that occasion. I declared to him,—1st, That the note presented at Vienna by lord Minto contains the expression of his majesty's sentiments, and that the king is ready to act in conformity to it.—2nd, I inquired whether any answer had been returned by the French government to the proposal contained in M. Thugut's letter to M. Talleyrand respecting a place for the meeting of plenipotentiaries to carry on joint negotiations, and was informed by him that the place of meeting was fixed at Luneville.—3rd, I informed M. Otto that either of the places named by M. Thugut would be agreed to by his majesty, and a proper person sent thither on his majesty's part to meet the plenipotentiaries of Austria and France, provided that the French government is willing to enter into sufficient engagements for the freedom of direct communication, by couriers, with such place of negotiation; which he promises to communicate immediately to the French government by courier.—4th, I also informed M. Otto of the very substantial reasons that will prevent his majesty from agreeing to a general armistice previous to the signing of preliminaries, as detailed in the minute which I had the honour to receive from your lordship; and was answered by him, that he has every reason to think, and is personally convinced, that the continuation of the German armistice will depend upon the conclusion of the English armistice, the advantages of the latter being considered by France as an equivalent for the very obvious disadvantages of the German one. He observed, that the regulations contained in the German armistice do not extend to such places as were not actually blockaded or attacked by the French; judging, therefore, from analogy, such places only as are actually blockaded by the English forces could be comprehended in the proposed armistice, therefore Belleisle, Malta, and Alexandria should be put on the same footing as Ulm, Philipsburg, and Ingoldstadt.—M. Otto has been instructed to require an answer to the proposal for a general armistice before the 3rd of September, which makes him conclude that hostilities may again commence about that time, should the proposed armistice be positively refused on the part of his majesty. He farther observed, that as long as hostilities on the continent are carried on, there can be no firm basis on which to ground negotiation, as every change on either side would occasion a new subject of discussion.—M. Otto farther remarked, that if a general armistice should be agreed on, he is authorized to enter into any security that may be thought necessary for the commerce of Great Britain; and that the great importance of the subject obliges him to inquire whether he is to have a written answer on the subject of the general armistice, or whether he is to consider the present verbal communication as definitive against it. I have, &c. R. George.

No. 8.—Letter from Lord Grenville to Captain George, dated Downing-street, August 29, 1800.

Sir;—As M. Otto expressed to you a desire to receive in writing the answer of the king's government to his note, I transmit to you the enclosed, which I request you will communicate to him. I am, &c. Grenville.

No. 9.—Letter from Lord Grenville to M. Otto, dated Downing street, August 29, 1800.

Sir; I enclose to you, by the king's command, the answer which his majesty has thought proper that I should return to the different points contained in the note which I had the honour to receive from you.—The mode which you adopted for the transmission of that paper was perfectly satisfactory to his majesty's government; but as captain George has, from his situation, the opportunity of unobserved intercourse with you, I will request you to transmit to me, through him, any farther communications with which you may be charged by your government respecting this business.

Grenville.

No. 10.—Note from Lord Grenville to M. Otto, dated Downing-street, August 29, 1800.

M. Otto having apprised his majesty's government, through captain George, that the proposal made by the court of Vienna, for fixing Luneville as the place for carrying on the proposed negotiation for a general peace, has been acceded to by the French government, it only remains on that head to express his majesty's agreement to the same proposal; and to declare, that in consequence thereof, a proper person shall be sent to Luneville, on his majesty's part, to meet the plenipoten-

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tiaries of Austria and France, as soon as the passports for such minister and his suite shall be received: Provided that the French government is willing to enter into the necessary engagements, that his majesty's plenipotentiary shall be at liberty to communicate freely, and in the usual manner, by courier with this country, and with the dominions of his majesty's allies.

With respect to the proposal for a general armistice by sea and land between Great Britain and France, the king would see with great satisfaction the moment when he could with propriety adopt any measure, the immediate effect of which would be to put a stop at least for a time, to the calamities of war; but an armistice, as applying to naval operations, has at no period ever been agreed on between Great Britain and France, during the course of their negotiations for peace, or until the preliminaries have been actually signed; such a step cannot therefore be considered as necessary to negotiation, and from the disputes to which its execution must unavoidably be expected to give rise, there is just reason to apprehend that it might more probably tend to obstruct than to facilitate the success of those endeavours which the two parties might employ for the restoration of peace. Besides this, it is to be considered, that the circumstances of a naval war are obviously not such as to admit of such equal arrangements as are easily established with regard to military operations, when suspended by such an agreement. It appears, therefore, at all events, premature to enter even into the discussion of this question, until, from the course of the negotiations, it shall more clearly appear how far they are likely to lead to a satisfactory issue. But in any case no decision could be taken here on such a subject, unless the French government had previously explained in what manner it is conceived that the principles of the regulations adopted in the German armistice, with respect to blockaded towns, can be applied to the naval ports and arsenals of France and her allies now blockaded by his majesty's fleets, so as to carry *bonâ fide* into execution, as to the respective maritime forces, the same objects which those stipulations have in view with respect to the military positions occupied by the armies in Germany and Italy.

GRENVILLE.

No. 11.—TRANSLATION of a Letter from M. Otto to Lord Grenville, dated Hereford-street, 12 Fructidor, 8th year, August 30, 1800.

My Lord;—I received yesterday evening the letter and the note which your excellency did me the honour to address to me; and I immediately transmitted them to Dover by an extraordinary messenger.—I cannot but be extremely flattered by the approbation which his majesty's government has been pleased to give to the mode which I had adopted for my political communications. That which your excellency proposes to me combines the double advantage of dispatch and of secrecy, and I shall follow it as often as orders from my government shall afford me an opportunity of profiting by it. I have, &c.

OTTO.

No. 12.—TRANSLATION of a Note from M. Otto to Lord Grenville, dated Hereford-street, 12 Fructidor, 8th year, August 30, 1800.

His excellency lord Grenville having been pleased to inform the undersigned of the intention of his majesty to send a plenipotentiary to Luneville in order to take a share in the negotiations which shall be entered upon, as soon as the necessary passports shall have been transmitted by the French government, and as soon as assurance shall have been given respecting the free correspondence of this plenipotentiary with his court and with the countries belonging to the allies of his majesty, the undersigned immediately dispatched an extraordinary messenger in order to communicate these dispositions to his government.—The conciliatory and humane sentiments which have had an influence in producing this decision of the cabinet, are a happy presage of the re-establishment of good harmony between two countries which, from the genius, the talents, and the industry of their people, are so strongly interested in cherishing the arts and the enjoyments of peace. It is with a view to attain more speedily this end so ardently desired by all Europe, that the undersigned was directed to submit to the British government the projet for a maritime truce; but the ministers of his majesty having judged that it would be premature to enter even upon the discussion of this object, it is his duty to respect the motives which appear to them to militate against such a negotiation, although he may have had every reason to hope that the adherence of his majesty to that proposal might have become the pledge of the continuance of the two armistices concluded in Germany and Italy; the French government not being able to consent, for any length of time, to sacrifice the advantages afforded to it by its military position upon the continent, without the assurance of an analogous sacrifice on the part of Great Britain.—If, through the imperious force of circumstances, the result of the negotiations of Luneville should be subjected to the future fortune of war; it is to be presumed that the respective instructions and deliberations would no longer have for a basis a state of things known and appreciated on all sides, and that the pacific dispositions manifested by the belligerent powers would not produce effects as prompt and salutary as might have been hoped for from a general truce.—The apprehensions of the undersigned, relative to the probable renewal of hostilities in Germany and in Italy, notwithstanding the negotiations which, in concert with his ma-

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jesty, shall be commenced at Luneville, are confirmed by the order which he has received to solicit an answer before the 3rd of September. OTTO.

No. 13.—LETTER from Lord Grenville to Captain George, dated Downing Street, September 2nd, 1800.

Sir;—I am to desire that you will apprise M. Otto, that the king has been pleased eventually to make choice of Mr. Grenville to represent his majesty at Luneville, and of Mr. Garlike, now his majesty's secretary of legation at Berlin, to act as his majesty's secretary to Mr. Grenville's mission. It will therefore be necessary that a separate passport for Mr. Garlike should be furnished by the French government, such as will enable him to proceed directly from Berlin to Luneville. You will add, that it will be a matter of convenience to his majesty's government, and to Mr. Garlike personally, if that passport, instead of being sent through London, were transmitted, through the French minister at Berlin, to the earl of Carysfort, his majesty's minister at that court.—I wish you farther to remark to M. Otto, that it is usual in the opening of negotiations for peace, that such previous explanations should take place, as may enable the respective ministers to arrive nearly at the same time at the place of negotiation; and that as the communication on this point may be received here so much sooner from Paris than from Vienna, his majesty's government would wish to be informed through you of the period which may be fixed for the arrival of the Austrian and French plenipotentiaries at Luneville, in order that no delay may take place on his majesty's part in the opening of the negotiation. I am, &c. GRENVILLE.

No. 14.—TRANSLATION of a Letter from M. Otto to Lord Grenville, dated Hereford Street, 17 Fructidor, 8th year, September 4th, 1800.

My Lord;—Mr. George not being yet returned from Margate, whither he has conveyed his family, I hope that your excellency will not disapprove of my transmitting to you directly the very important communications which I received this morning by an extraordinary courier. I should add that, if his majesty consents to the proposed armistice, I am directed to deliver the passport, and to give all the assurances demanded for the plenipotentiary who shall be appointed. I have, &c. OTTO.

No. 15.—TRANSLATION of a note from M. Otto to Lord Grenville, dated Hereford Street, 17 Fructidor, 8th year, September 4th, 1800.

The undersigned having communicated to his government the note dated the 29th of August, forwarded to him by his excellency lord Grenville, is directed to submit to him the following observations:—Preliminaries of peace had been concluded and signed between his imperial majesty and the French republic. The intervention of lord Minto, who demanded that England should be admitted to take part in the negotiations, prevented their ratification by his imperial majesty.—The suspension of arms, which had taken place solely in the hope of a speedy peace between the emperor and the republic, ought then to cease, and will in fact cease on the 24th Fructidor (11th September), since France had sacrificed to that hope alone the immense advantages which victory had secured to her.—The intervention of England renders the question of peace so complicated, that it is impossible for the French government to prolong farther the armistice upon the continent, unless his Britannic majesty will consent to render it common to the three powers.—If then the cabinet of St. James's desires to continue to make a common cause with Austria, and if its desire to take part in the negotiations be sincere, his Britannic majesty will not hesitate to adopt the proposed armistice.—But if this armistice be not concluded before the 24th Fructidor (11th September), hostilities will have been renewed with Austria, and the first consul will no longer be able to consent, with regard to that power, to any but a separate and complete peace.—In order to satisfy the explanations demanded relative to the armistice, the undersigned is directed to acquaint lord Grenville, that the places which it is proposed to assimilate to those of Germany, are Malta and the maritime towns of Egypt.—If it be true that a long suspension of arms between France and England would appear unfavourable to his Britannic majesty; it is not less so, that an armistice prolonged upon the continent would be essentially disadvantageous to the French republic; so that at the same time that the naval armistice would be to the French government a pledge of the zeal which would be employed by England in promoting the re-establishment of peace; the continental armistice would be one also to the British government of the sincerity of the efforts of France; and as the position of Austria would no longer admit of her not diligently seeking for a conclusion, the three powers would have, in their own private interests, decisive reasons for consenting without delay to the sacrifices which may be reciprocally necessary in order to bring about an early conclusion of a general and solid peace, such as may answer the wish and the hope of the whole world. OTTO.

No. 16.—LETTER from Lord Grenville to Evan Nepean, esq. dated Downing Street, September 4th, 1800.

Sir;—It appearing by a note received this day from M. Otto, that the French government has determined to make the continuance of the armistice between Austria and France, and the commencement of the nego-

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tiations for peace, dependent on the conclusion of an armistice with this country; it is judged proper, in order that the ultimate decision on so important and extensive a question may be taken with the fullest knowledge of all the considerations by which it ought to be governed, that you should see M. Otto, and inquire of him, whether (as his note of the 30th ultimo appears to intimate) he is furnished with a projet of a treaty of naval truce? And in that case, whether he is willing to communicate it to you for the information of his majesty's government?---You will further inquire, whether he is empowered and instructed to include in such treaty, his majesty's allies?---And, lastly, if his projet should contain no article applicable to the question of moving the French and Spanish ships now in Brest to any other station in or out of Europe, you will inquire, whether M. Otto is authorized to enter into negotiation for the purpose of including proper stipulations on that subject in any treaty of the nature which his government has proposed? I am, &c. GRENVILLE.

No. 17.—LETTER from Evan Nepean, esq. to Lord Grenville, dated London, September 4th, 1800.

My Lord;—Since I had the honour of communicating to your lordship the conversation that had passed between me and M. Otto on the subject of the proposal for a naval armistice, and the readiness he had expressed of furnishing me with a copy of the projet, I have received from him the enclosed note and the projet therein referred to. I have, &c.
EVAN NEPEAN.

No. 18.---TRANSLATION of a Projet---in M. Otto's, 4th September.

PROJET 1.—There shall be a suspension of hostilities between the fleets and armies of the French republic and those of Great Britain. 2. The ships of war and merchant vessels of each nation shall enjoy a free navigation without being subject to any search, and shall observe the usage established previous to the war. 3. All vessels, of either nation, captured after the of Fructidor, shall be restored. 4. The places of Malta, Alexandria, Belleisle, shall be assimilated to the places of Ulm, of Philipsburgh, and of Ingolstadt; that is to say all neutral or French vessels shall have permission freely to enter them in order to furnish them with provisions. 5. The squadrons which blockade Brest, Cadiz, Toulon, Flushing, shall return into their own harbours, or at least shall keep out of sight of the coast. 6. Three English officers shall be dispatched, one directly to the admiral commanding in the Mediterranean, another to the commander of the squadron before Malta, the third to the commander of the blockade of Alexandria, to notify to them the present armistice, and to convoy to them orders to conform themselves thereunto. The said officers shall pass through France, in order the more expeditiously to arrive at their destination. 7. his Catholic majesty and the Batavian republic are included in the present armistice.

No. 19.—NOTE from Lord Grenville to M. Otto, dated Downing Street, September 5th, 1800.

The only motive which could lead this court to entertain the discussion of a proposal so unusual in itself, and so disadvantageous to the interests of Great Britain, as that of a maritime truce to precede negotiation, is the desire of contributing to facilitate the conclusion of a general peace; and the termination of the armistice on the continent, by the act of the French government, would put an end to all inducements to such a measure on the part of this country.—The necessity of receiving the king's commands, on the projet communicated by M. Otto, must prevent the undersigned from transmitting any reply to that paper before Sunday next. It is therefore for M. Otto to determine whether he will not think it proper immediately to write to his government, to remark, that if France has proposed an armistice with Great Britain for the purpose of its leading to general negotiation and peace, that object can only be attained by at least such a prolongation of the continental armistice as will allow the time required for receiving the answer to the proposal made here. GRENVILLE.

No. 20.—NOTE from M. Otto to Mr. Nepean, dated Thursday evening September 4th, 1800.

Citizen Otto presents his compliments to Mr. Nepean, and, according to his desire, incloses a sketch of the treaty proposed by his government.

No. 21.—TRANSLATION of a Letter from M. Otto to Captain George, dated London, 18th Fructidor, 8th year, September 5th, 1800.

Sir;—I have received the letter which you have done me the honour to address to me, acquainting me that his majesty had thought proper provisionally to appoint Mr. Grenville to take part in the eventual negotiations at Luneville. That choice cannot fail to be very agreeable to the French government. As soon as the result of the present communication shall have rendered the journey of Mr. Grenville necessary, I shall deliver to him the passport for which I had previously applied; and I am directed to give, in the name of my government, every assurance which Mr. Grenville can desire respecting the promptitude and the inviolability of his correspondence.—With respect to Mr. Garlike, it will be very easy to send to him directly to Berlin the passport necessary for him, and I shall request it of my government.—The arrangements to be taken in the case of an

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eventual congress, in order that the respective ministers may arrive about the same time at the place of the conferences, are so conformable to the ordinary proceedings in similar cases, that they will not be neglected. The proximity of Paris will afford me the facility of giving to the British ministry every information which it may desire upon that subject, long before it could procure it from Vienna, I have, &c. Otto.

No. 22.—Translation of a Note from M. Otto to Lord Grenville; dated Hereford-street, 19 Fructidor, 8th Year, September 6th, 1800.

The undersigned received yesterday, at four o'clock in the afternoon, the note which his excellency lord Grenville did him the honour to address to him. It appeared to him to be of such high importance, that at the same hour he transmitted it by an extraordinary messenger to his government. He hopes that it may arrive in time to produce the effect which his excellency has had in view; and if it serves to prolong for a few days the continental armistices, he will congratulate himself very much on having had it in his power to contribute thereunto. He begs, &c.
Otto.

No. 23.—Note from Lord Grenville to M. Otto, dated Downing-street, September 7th, 1800.

Lord Grenville presents his compliments to M. Otto, and sends him herewith the official answer to his last communication on the subject of an armistice together with the counter projet therein referred to. He requests, &c.

No. 24.—Note from Lord Grenville to M. Otto, dated Downing-street, September 7, 1800.

The undersigned has had the honour to lay before the king the official answer of the French government, which he received from M. Otto on the 4th instant; and also the projet of an armistice communicated on the same day.

The spirit of that answer is unhappily but little consonant with those appearances of a conciliatory disposition which had before been manifested. If it be really practicable in the present moment to restore permanent tranquillity to Europe, this object must be effected by very different means than those of such a controversy as that paper is calculated to produce.

Some reply is however indispensably necessary to the assertions there advanced, which if now passed over might hereafter be considered as admitted.

The articles which an Austrian officer, charged with no such commission, was persuaded to sign at Paris, do indeed appear to his majesty little calculated to terminate the calamities of Europe.

But whatever be the tendency of the conditions which the French government has there specified, there can be no pretence for representing them as preliminaries concluded by Austria, or annulled by the intervention of his majesty.

The engagements by which the courts of London and Vienna have agreed not to treat except in concert with each other, were concluded before there was any question of these pretended preliminaries of peace. And the first intimations which his majesty received of their signature were accompanied by the express declarations of his ally, that they were wholly unauthorized, and must be considered as absolutely null.

The French government could indeed expect no other determination to be taken by his imperial majesty. The want of all powers or instructions for such a treaty, on the part of the Austrian officer, was, at the time, distinctly notified by him to those who treated with him, and is declared even on the very face of the paper which he signed.

With respect therefore to the supposed demand of his majesty to be admitted to those negotiations, nothing more is necessary to be said. The note delivered to M. de Thugut by lord Minto sufficiently explains the part which his majesty is really disposed to take in any negotiation which may be regularly set on foot for general peace.

The king has always been persuaded that the result of such a negotiation can alone effectually re-establish the tranquillity of Europe.

Experience has confirmed this opinion; and it is only from the conviction of its truth, that his majesty has now been induced to waive his strong objections to the first proposal of a naval armistice, and to enter into the discussion of the conditions on which it may be established.

His majesty, judging from the experience of so many former negotiations, considers such an armistice as in no degree likely either to expedite or to facilitate an arrangement of the direct interests of Great Britain and France.

He views it in no other light than as a temporary advantage which it is proposed to him to yield to his enemy, in order to prevent the renewal of continental hostilities, and thereby to contribute to the conclusion of a general peace.

And on this ground, notwithstanding the many disadvantages which he is sensible must result to this country from such a measure, he is resolved to give to his allies and to all Europe this new pledge of the sentiments by which he is actuated; provided that his enemies are disposed to regulate the conditions of such an armistice, as far as the nature of the case will allow, in conformity to the obvious and established principle of such arrangements.

This principle is, that the respective posi-

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tion of the two parties should remain during the continuance of the armistice such as it was at its commencement; and that neither of them should by its operation acquire fresh advantages or new means of annoying his enemy, such as he could not otherwise obtain. The difficulty of doing this with the same precision in the case of naval operations, as by land, has already been adverted to in a former note; and it constitutes a leading objection to the measure itself.

But the French projet, instead of attempting to remove or lessen these difficulties, departs at once, and in every article, from the principle itself, although expressly recognized and studiously maintained in the continental armistice which is there referred to as the foundation and model of this transaction.

It is proposed, in effect, that the blockade of the naval ports and arsenals of the king's enemies should be raised; that they should be enabled to remove their fleets to any other stations, and to divide or to collect their force as they may judge most advantageous to their future plans: The importation both of provisions and of naval and military stores is to be wholly unrestrained. Even Malta and the ports of Egypt, though expressly stated to be now blockaded, are to be freely victualled, and for an unlimited period, in direct contradiction to the stipulations of the German armistice respecting Ulm and Ingolstadt, to which places it is nevertheless professed to assimilate them: and this government is expected to bind itself towards the allies of France even before any reciprocal engagement can be received from them; while, at the same time, all mention of the king's allies is on the other hand totally omitted.

To a proposal so manifestly repugnant to justice and equality, and so injurious not only to his majesty's interests, but also to those of his allies, it cannot be expected that any motive should induce the king to accede.

The counter-projet which the undersigned has the honour to transmit to M. Otto contains regulations in this respect more nearly corresponding with that principle of equality on which alone his majesty can consent to treat.

Even those articles are in many important points, and particularly in what relates to the actual stations of his majesty's squadrons, very far short of what his majesty might justly demand from a reference to the general principle above stated, from analogy to the conditions of the continental armistice, or from the relative situation of naval force: and a confidence is reposed in the good faith of his enemies, which, although it can never be claimed in transactions between belligerent powers, his majesty is nevertheless willing to hope he shall not find to have been misplaced on the present occasion.

If M. Otto is empowered to accede to these stipulations, a proper person will immediately be authorized to sign them on his majesty's part; if not, he is requested to transmit them without delay to his government.

GRENVILLE.

No. 25.—COUNTER PROJET—in Lord Grenville's, September 7th, 1800.

COUNTER PROJET.—It having been agreed that negotiations for a general peace shall be immediately set on foot between the emperor of Germany, his Britannic majesty, and the French republic, and an armistice having already been concluded between the forces of him imperial majesty and those of the French republic, it is agreed that an armistice shall also take place between the forces of his Britannic majesty and those of the French republic, on the terms and in the manner following: that is to say,

Art. 1.—All hostilities, both by sea and land, between the forces of the two contracting parties shall be suspended, and shall not be renewed until after fourteen days notice given of the termination of the armistice. This notice, in so far as relates to the parts of Europe north of cape St. Vincent, must be given by one of the two governments to the other, and is to be reckoned from the day in which the same shall be received by the government to whom it is given. In the mediterranean, or other parts of the world, the notice must be given by the respective commanding officers. But in case of the renewal of hostilities between Austria and France, the armistice between Great Britain and France is likewise to be considered as terminated, so soon as such renewal of hostilities shall be known to the officer commanding the British forces; except only in so far as relates to prizes of merchant vessels, which shall be regulated by the third article of this convention.

Art. 2.—Orders shall immediately be sent by the two governments to their officers in the different parts of the world, to conform themselves to this agreement; sea passes shall be given to the ships which are to carry these orders; and his Britannic majesty's officers to be sent for that purpose through France, shall be furnished with the necessary passports and facilities to expedite their journey.

Art. 3.—All prizes made in any part of the world during the continuance and operation of the armistice, by any officers having actually received due notice of this agreement, shall be restored; and generally, whether such notice shall have been received or not, all prizes made in the Channel, or in the North-seas, after twelve days (to be reckoned from the exchange of the ratifications of this convention) shall be restored; and the same periods shall be allowed in this respect for the other parts of the world as were stipulated by the 22nd article of the preliminaries of the last peace.

Art. 4.—Malta and the maritime towns and ports of Egypt shall be placed on the same

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footing as those places which, though comprised within the demarcation of the French army in Germany, are occupied by the Austrian troops; consequently nothing shall be admitted by sea which can give additional means of defence; and provisions only for fourteen days at a time, in proportion to the consumption, as it shall be ascertained by commissaries to be named for the purpose, who shall have power to establish the necessary regulations for giving effect to this stipulation, conformably to the principles of the 4th article of the convention concluded between the Austrian and French generals in Germany.

Art. 5. The blockade of Brest, Toulon, and any other of the ports of France by his majesty's fleets, shall be discontinued; and all British ships shall be instructed not to interrupt or obstruct the trade or navigation of any ships sailing to or from the coasts of France, except in the article of naval or military stores, which are not to be brought thither by sea during the present armistice. None of the ships of war now stationed in the said ports respectively shall, before the renewal of hostilities, be removed to any other station.

Art. 6.—The allies of the two parties shall severally be at liberty to accede to this armistice, if they so think fit; provided that they also engage to observe a like armistice, on conditions similar to those here specified, towards such of the allies on the other side as shall also accede to it.—The periods or terms to be fixed for the commencement of the armistice in the different quarters of the world as with respect to each of the said allies, are to be regulated in conformity to the stipulations contained in the third article of this convention as between Great Britain and France; and the said periods or terms are to be reckoned from the day on which the accession of such power to the armistice shall have been duly notified by such power to the party with whom it is at war. Such notification, duly authenticated by the government on whose part it is made, may either be transmitted directly by couriers or flags of truce, or through the channel of the two contracting parties, to each other reciprocally. The naval ports and arsenals of the allies of France are, during such armistice, to be placed on the same footing with those of France; and the notices which are to precede the renewal of hostilities, as well as all other matters relating to such armistice, are to be regulated according to the terms of this convention.

Art. 7. This convention shall be ratified, and the ratifications shall be exchanged within the term of ten days, or sooner if the same be practicable.

No. 26.—TRANSLATION of a Letter from M. Otto to Lord Grenville, dated Hereford-street, 21 Fructidor, 8th year, September, 8th, 1800.

My Lord;—I received yesterday at eleven o'clock at night the note and the counter-projet which your excellency did me the honour to address to me. The principles contained in these two pieces are in several respects so little analogous to the proposals which I have been directed to make, and the object of which was to compensate by a British armistice the inconveniences which might result to France from the eventual prolongation of the German armistice, that I cannot take upon myself to admit them without previously receiving farther instructions. I have therefore complied with your excellency's intentions, by transmitting to my government those two pieces with as little delay as possible. I have, &c. OTTO.

No. 27.—TRANSLATION of a Letter from M. Otto to Lord Grenville, dated Hereford-street, 29 Fructidor, 8th year, September 16th, 1800.

My lord;—I have the honour to address to your excellency the answer which my government has directed me to make to the note which you did me the honour to address to me.—The first consul, hoping that it is still possible to approximate the interests of the two governments, and their wishes for a speedy and solid peace, and being willing to give, on his part, a fresh proof of his pacific dispositions, has dispatched orders for deferring for some days longer, the attack which the French army had been directed to make upon the whole line.—I shall give verbally either to your excellency yourself, or to such person as you shall judge proper to appoint for that purpose, satisfactory explanations respecting the principal objections contained in your note of the seventh of this month; and I flatter myself that they will produce the effect which your excellency had in view by making known to me the intentions of his majesty. The high importance of those communications authorizes me to entreat that you would give them every facility in your power. I have, &c. OTTO.

No. 28.—TRANSLATION of a Note from M. Otto to Lord Grenville, dated Hereford-street, 29 Fructidor, 8th year, September 16, 1800.

The undersigned has transmitted to his government the note of his excellency lord Grenville, dated the seventh of September. The counter-projet which accompanied it having been laid before the first consul, he has observed that the armistice, such as it was proposed, did not offer any advantage to the French republic, and consequently could not compensate to it for the serious inconveniences which would result to it from the continuance of the continental armistice: Hence it follows, that the counter-projet could be admitted inasmuch only as the question might simply be to settle the preliminaries of a particular arrangement between

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France and England by a truce alike particular to the two states; but the effect of the proposed maritime truce being intended to serve as a compensation to the French republic for the continental truce, the former ought to afford to it advantages equal to the inconveniences which it experiences from the latter.

The undersigned is therefore directed to make two proposals, of which his Britannic majesty may choose that which may appear to him most consonant to the interest of his dominions or to his continental relations. The first is, that the projet for an armistice be drawn up and admitted in terms analogous to those which have been proposed by the ministry of his Britannic majesty, but solely under the supposition that this armistice should be independent of the events of the continent, and relative only to a separate negotiation to be immediately opened between the two powers. The second is, that his Britannic majesty should continue to make common cause with the Emperor, but that, in that case, he should consent that the maritime truce may offer to the French republic advantages equal to those secured to the House of Austria by the continental truce. And with this view the comparison may be easily settled.

By the continental armistice the court of Vienna acquires the means of re-organizing its armies, of converting into men, arms, ammunition of every kind, the subsidies paid to it by England; of fortifying and victualling its places of the second and third line which were in a bad state, in consequence of the rapid march of the French armies having not been foreseen. Thus Asoppo, Palmanova, Venice, Verona and Lintz, had been neglected; every day their fortifications are repairing. Ulm, Ingolstadt, although blockaded, are improving their means of defence; and it is the armistice which procures to them this advantage; for at the moment when those places were invested the enemy thought only of besieging ours, and consequently their own were not prepared for so early an attack.

By the continental armistice, the impression made by the victories of the French armies diminish, their effects are weakened. Six months of repose would suffice to restore the moral and physical strength of the Austrian armies; to allow the conquered to recover from the impression of ascendancy acquired by the conquerors, and to make it necessary once more to regain that contingent superiority so well earned by the republic.

It would also follow as a consequence of the continental armistice, that the kingdom of Naples, now a prey to every kind of calamity, and containing all the seeds of insurrection, might be re-organized, and furnish fresh resources to the enemies of France. It is by means of the armistice, in a word, that men are raising in Tuscany and in the marshes of Ancona: that Austria is every where preparing new means of defence; that every where she is ameliorating her position, which perhaps was desperate, whilst the advantages of the republic are diminishing or disappearing.

The first consul has already made to the love of peace a sufficiently great sacrifice of those advantages; If he should continue to derive no benefit from them, it would no longer be moderation, but weakness; it would no longer be the means of arriving at the conclusion of peace, but that of perpetuating the war. Perhaps in the judgment of statesmen the French government may have already too long delayed to avail itself of the contingency which was favourable to it; but it has only done so upon the positive assurances which had been given to it of a speedy and separate peace.

At this moment, when the two allied courts insist upon a joint negotiation and a general peace, the French government is too well aware that so complicated a work is not to be accomplished in a few days, and it ought to avoid putting itself in a position which would be diametrically opposite to the acceleration of the negotiations, by giving to the inimical powers, and principally to Austria, a real interest to prolong the discussions, in order daily to acquire the means of appearing with greater advantage in the field of battle, and consequently with greater pretensions at the congress.

It is with a view of avoiding, in part, so manifest an inconvenience, that France requires that the maritime armistice should be stipulated in such a manner as to be equivalent to the continental armistice, and as to place England on its side, in the situation of being desirous of the conclusion of peace. The advantages which the republic can and ought to expect from the naval armistice, are the free navigation of her ships, and the facilities necessary for her communications with the islands of France and Reunion, and with her American colonies; and although she should make use of it to send a few thousand men more to Egypt, do not the places belonging to the Emperor daily acquire, in like manner, fresh strength upon the continent?

With respect to the victualling the harbours of the French republic itself, internal means of circulation are not wanting; and this object is but of small importance to it When the British government proposes that the harbours and places blockaded should only receive provisions for fourteen days, is it aware that the greater part of those establishments are still far from wanting provisions? And besides that, the season is drawing near which, by rendering a naval blockade almost always illusory, makes the proposed favour quite useless.

That if, besides, it be considered how little it is the interest of Great Britain, if it be sincerely desirous of peace, to prevent France from preserving and consolidating the small number which remain to her of foreign settle-

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ments, and how much England, by making new acquisitions of this nature, would augment still farther the uneasiness and jealousy of Europe; and the disposition which it evinces not to see with indifference the unlimited extension of the power and commerce of England, it will be acknowledged, at the same time, that the advantages to be derived to the French republic from a maritime truce are admitted; that this truce would not be so eminently disadvantageous to England as her government appears to imagine.

The undersigned is, in consequence, directed to refer to the double proposition contained in the present note. If a separate negotiation and peace be the object, the armistice may be agreed to in the form in which it is proposed by the ministry of his Britannic majesty. If a joint negotiation and a general peace be the object, the armistice must be stipulated in the manner in which it is proposed in the name of the French government, and it will be subsequently detailed by the undersigned. OTTO.

No. 29.—LETTER from Lord Grenville to M. Otto, dated Downing-street, September 20, 1800.

Sir;— I enclose to you the answer to the last note which I have had the honour to receive from you. You will there observe that his majesty is very far from thinking it proper for him to accede to the principle which is again urged in that note, as the foundation of a naval armistice. While this fundamental difference subsists, there can be little reason to hope that any advantage could arise from discussing the details of such a measure. The counter-projet which I had the honour to transmit to you, is considered here as going to the full extent of concession which can with any colour of reason be asked by France, or which could be admitted by this country, even in that view in which alone there can be any question of naval armistice. If you are authorized to make any such new proposals as shall be really consistent with those principles which form the only admissible basis for such a transaction, I am confident you will not be unwilling, in a matter of so much importance, to transmit them to me in writing. Should they then appear to his majesty's government to afford any sufficient grounds for farther discussion of this point, I shall very readily receive the king's commands for authorizing a proper person to converse with you on the subject of those communications. I have, &c. GRENVILLE.

No. 30.—NOTE from Lord Grenville to M. Otto, dated Downing-street, September 20, 1800.

The note enclosed in M. Otto's letter of the 16th instant, has been laid before the king. His majesty has not seen in that paper any fresh suggestions on the subject of a naval armistice, which can at all vary the answer transmitted to M. Otto on the 7th instant.

Neither his majesty's known engagements to his allies, nor his desire, so recently expressed to contribute to the restoration of general tranquillity in Europe, will admit of his separating his interests from those of the powers with whom he is connected in the prosecution of the war; much less could he entertain the idea of consenting, for such a purpose, to any naval armistice: a measure which he has already declared to be totally inapplicable to a separate discussion of the interests of Great Britain and France.

This proposal being therefore one which the French government must have known that his majesty could not accept, the supposed alternative professed to be offered to his majesty's choice, amounts to nothing more than to the simple renewal of a demand already rejected. No fresh inducement is stated which should now dispose his majesty to consent to those conditions of armistice for joint negotiation which he had before considered as wholly inadmissible.

From information received since the last communications on this subject took place, his majesty has observed, with equal surprise and concern, that the orders for giving notice of the termination of the continental armistice must actually have been dispatched from Paris at the very time when the continuance of that armistice was proposed to his majesty as the condition and inducement for a maritime truce. And if in addition to this circumstance his majesty were to collect the present dispositions of his enemies from the terms respecting his conduct and views with which their recent communications with his allies are filled, the conclusion must be extremely unfavourable to the existence of any disposition to conciliation.

His majesty is however still willing to wave all reference to these considerations, and to regulate his conduct by the motives which he has already explained. He still looks, therefore, to a naval armistice on suitable conditions, as to a sacrifice which he may be induced to make in order to prevent the renewal of hostilities on the continent, and thereby to facilitate those joint negotiations for general peace which might perhaps be accelerated by such an arrangement, although they are by no means necessarily dependent on it.

But when it is required that the extent of the sacrifice which his majesty is to make should be regulated neither by any fair standard of equality, nor by the ordinary rules which govern such transactions; when, without any reference to the interests of his own people, he is called upon to proportion his concessions to the exaggerated estimates which his enemies have formed of the benefits derived to his allies from the continental armistice; and when on such grounds as these, conditions are insisted on which even these could not warrant, it becomes necessary to state distinctly that his majesty neither recognizes this principle, nor, if he did, could he agree in this application of it.

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His majesty is not, indeed, called upon to appreciate the relative advantages which the prolongation of the continental armistice might really afford to each of the belligerent powers. But even of those circumstances which are enumerated by the French government as exclusively advantageous to Austria, many are evidently beneficial to both parties, and are so nearly to an equal extent.

If during the interval of repose which has already elapsed, the Austrian armies have been re-established, recruited, and re-inforced, France has not been inattentive to the same measures. If the subsidies which his majesty has furnished are applied by his ally to the formation or transport of magazines, France has appropriated to similar purposes the rigorous contributions exacted from those countries which the existence of an armistice has not exempted from that calamity. The places in the rear of the Austrian army may have been repaired; but the position of the French armies has also been strengthened, and even the blockaded towns may perhaps suffer more from the increased length of the blockade, than they can profit by any internal measures for improving their defences.

Into other points of comparison his majesty forbears to enter. No part of the varied successes of the continental war appear to him to entitle his enemies to presume on any ascendant over the spirit of the Austrian armies.

But were the assertions of the French government in these respects better grounded than his majesty conceives them to be, the principle itself would still be inadmissible. It is impossible that his majesty can admit that compensation is to be demanded from him for the extent of those advantages, whatever they might really be, which his ally might derive from the continuance of the armistice; yet even such compensation is in a great degree offered by his majesty. In consenting to a naval armistice on such terms as have already been acceded to on his majesty's part, he has made considerable sacrifices, and placed within the reach of his enemies great and obvious advantages which their representation in vain endeavours to depreciate, he has thereby given to all Europe a strong pledge of his concern for the general welfare, and to his enemies a decided proof of pacific disposition.

But to yield to the present demand would be to sacrifice those means of present defence, and those pledges of future security, which have been acquired by such great and memorable efforts, and which he can never be expected to forego till the result of those negotiations, in which he has declared his readiness to concur, shall have crowned his endeavours for the happiness of his people by the restoration of safe and honourable peace.

GRENVILLE.

No. 31.—TRANSLATION of a letter from M. Otto to lord Grenville; dated London, 4th complementary day, 8th year, September 21, 1800.

My lord; — I received yesterday at ten o'clock at night, the letter and the note which your excellency did me the honour to address to me; and I have learnt from them, with the deepest regret, that his majesty and his ministry are not yet disposed to accede to the principles of conciliation contained in the note which I had the honour to transmit to you on the 16th of this month.

It was not merely with a view to discuss those principles, but in order to propose to your excellency fresh means of reconciliation, that I felt it my duty to request, in my letter of the 16th, to have an interview with you; and I had every reason to hope that the explanations into which I should have entered would effectually have obviated the difficulties which are still opposed to the conclusion of the general armistice.

You desire, my lord, that I should give you those explanations in writing. They relate to two points, which in your first note are represented as being the most important: the power of altering the positions of the squadrons of the republic during the armistice; and the fate of the allies of Great Britain.

I am authorized to consent that the French ships of the line shall not go out of the harbours where they are at present; and if his majesty insists upon his allies being included in the proposed armistice, I am authorized also to consent that they should enjoy the same advantages as those of the republic.

The intentions of the first consul are anew detailed in the projet which I have herewith the honour to enclose; and in order not to delay a communication of such importance, I defer until another opportunity, my answer to your excellency's note.

I shall only observe, that even if the Austrian armistice should have been broken in this interval, it would be easy to make the respective armies resume their former positions in the event of his majesty's acceding to the last proposals which have been made to him.—I have, &c.

OTTO.

No. 32.—TRANSLATION of the Projet, in M. Otto's September 21, 1800.

PROJET.—In consideration of its having been agreed that negotiations for a general peace shall be immediately opened between the French republic and its allies on one side, and his imperial majesty, his Britannic majesty, and their allies, on the other side; and that the armistice which has already been concluded between the armies of the French republic and those of his imperial majesty may be prolonged, if an equivalent armistice should be concluded between the forces of the French republic and those of his Britannic majesty, the two governments have agreed to conclude the said armistice upon the following conditions:

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Art. 1. All hostilities both by sea and land between the two nations shall be suspended, and shall not be renewed until after a month's notification prior to the end of the armistice In all parts of the world, the armistice shall not be broken without the express order of the contracting governments; and hostilities shall not be renewed until a month after the notification which may have been given by the general or commanding officer of one of the two nations to that of the other nation.

Art. 2. Orders shall be immediately transmitted by the two governments to the commanding officers in the several parts of the world, directing them to act in conformity with this convention. Passports shall be given to the persons who shall carry out these orders; and the officers of his Britannic majesty who shall travel through France for this purpose shall receive safe conducts and the necessary facilities for accelerating their journey.

Art. 3. All prizes made in any part of the world, during the continuance of the armistice, by any officer having actually received the notification of this convention, shall be restored. And generally (whether this notification shall have been made or not) all prizes made in the channel, or in the north seas, after twelve days, to be computed from the exchange of the ratifications of this convention, shall be restored; and, in regard to this object, the terms shall be fixed for the other parts of the world conformably to the stipulations of the 22nd article of the preliminaries of the last peace; whence it results, that computing from the day of the said exchange, all trading vessels of either nation shall have the power of putting out to sea, and of navigating freely as before the war.

Art. 4. Malta and Egypt shall be assimilated to the places in Germany, which although blockaded by the French army, have been permitted to enjoy the benefit of the continental armistice. Malta shall be furnished with provisions for fifteen days at a time, at the rate of ten thousand rations per diem. With regard to Egypt, six French frigates shall have the liberty of sailing from Toulon, of unlading at Alexandria, and of returning without being searched, and without suffering any opposition during their passage, either from English ships or from those of the allies of Great Britain. An English officer of rank shall for this purpose embark on board one of the frigates, and shall travel through France on his way to Toulon.

Art. 5. The blockade of Brest, of Toulon, and of every other French port, shall be raised; and all British captains shall receive instructions not to interrupt the trade of any vessel either entering therein or going out thereof. No ship of the line, however, of two or three decks, actually at anchor in the said ports, shall be at liberty to go out before the renewal of hostilities, for the purpose of changing its station; but frigates, sloops, and other small ships of war, may freely go out and navigate, and in the event of their meeting at sea with ships belonging to his Britannic majesty, they shall observe the customs established before the war.

Art. 6. The land forces in the pay of his Britannic majesty shall not have the power of disembarking in any port of Italy during the continuance of the present armistice.

Art. 7. The allies of France, namely, Spain, the Batavian republic, and Genoa, shall participate in the benefit of the present armistice. (If his Britannic majesty insists upon including his allies in the armistice, they shall enjoy the same advantages with those of France).

Art. 8. The present convention shall be ratified, and the ratifications shall be exchanged in the space of ten days, or sooner if it should be possible.

No. 33.—TRANSLATION of a Note from M. Otto to Lord Grenville; dated Hereford-street, 1 Vendemiaire, 9th year, Sept. 22, 1800.

During the whole course of the negotiation with which the undersigned has been charged, he has had cause to regret that the want of more direct communications with his majesty's ministry, has rendered it impossible for him to give to his official overtures the necessary explanations. This inconvenience is rendered still more striking by the result of his last communications, to which the note which he had the honour to receive on the 20th of this month is an answer.

The first part of this note appearing to intimate a doubt respecting the sincerity of the dispositions of the French government to begin negotiations for a general peace, the undersigned cannot avoid entering into some details upon this subject, which will fully justify the conduct of the first consul.

The proposed alternative of a separate peace, in the event of his majesty's not accepting the conditions for a general armistice, far from evincing a want of sincerity, furnishes, on the contrary, the strongest proof of the conciliatory dispositions of the first consul: it is a necessary consequence of the declaration made by the undersigned the 4th of this month. In effect, he has had the honour to apprize the British ministry, "that if that armistice be not concluded before the 11th September, hostilities will have been renewed with Austria, and that in that case the first consul *will no longer be able, with regard to this power, to consent to any, except a separate and complete peace.*

That armistice was not concluded at the date fixed upon; it was therefore natural eventually to expect *a separate peace with* Austria, and, according to the same supposition, a peace in like manner *separate with* Great Britain, unless it is thought that the calamities with which a great part of Europe has been for eight years past oppressed, should be continued without other hope of termination than that of the complete destruction of one of the belligerent powers.

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It is not therefore the French government which proposes to his majesty to separate his interests from those of his allies; but having in vain attempted to unite them in a common centre, and finding them separated in fact by the refusal of England to lay down on the altar of peace some special advantages of which France had already made a sacrifice, the first consul has given a fresh proof of his dispositions, by pointing out other means of reconciliation which the course of events will bring about sooner or later.

In conformity with the advice which the undersigned had transmitted on the 4th of this month, notification was given of the cessation of the continental armistice at the term which had been fixed upon, but the counter project of the British ministry, dispatched by the undersigned upon the 8th of this month, having reached Paris on the 10th, and his imperial majesty having appeared to be convinced that his ally would not withhold his consent to an admissible armistice, the first consul determined again to retard for eight days the renewal of hostilities. Orders were immediately dispatched to the armies of Germany and Italy, and in the event of those orders arriving too late in the last mentioned country, and of the French generals having obtained successes in consequence of any military operation, they are ordered to resume that position which they occupied on the precise day on which hostilities were re-commenced.

The simple relation of these facts will, without doubt, be sufficient to prove that the French government never can have intended to cover, by pretended negotiations, a fresh attack upon Austria; and that, on the contrary, it has acted throughout this negotiation with that frankness and loyalty which can alone ensure that re-establishment of general tranquillity which his majesty and his ministry have so much at heart.

It would be in vain to look for proofs of a contrary intention in some expressions contained in the official communications of the French government to the allies of his majesty. More especially if such proofs were attempted to be drawn from one of the last letters written to baron Thugut, which the undersigned might have communicated himself, if he had found an opportunity; that letter would prove that the French government, always a friend to peace, appeared to complain of the intentions of Great Britain only because it had every reason to believe them contrary to a solid system of pacification.

The undersigned has entered into these details only because, on the eve of negotiations which may be entered upon, it is of importance to the councils of the two powers to be reciprocally convinced of the sincerity of their intentions, and because the opinion which they may have of that sincerity is the only pledge for the success of the negotiations.

With respect to the second point in the note which the undersigned has had the honour of receiving, he is to refer to his letter of the 16th, in which he informed his excellency lord Grenville that he was directed to give *satisfactory explanations* relative to the principal objections of the British government to the proposed armistice, and entreated him, at the same time, to facilitate the means of verbal communications with the ministry. It was therefore difficult to believe that the French government would adhere, without any *modification*, to its first overtures; for, in that case, it would have been quite useless to solicit for an interview, in order to give satisfactory explanations.

In speaking of the compensations requisite, in order to place the naval armistice upon a footing with the continental truce, his majesty's ministry think that there is some preponderance in the balance settled by the French government; a formal discussion upon this point would undoubtedly be displaced. After the various successes of a war which has produced so many extraordinary events, it is difficult to doubt of the moral influence of those events upon armies, upon nations, upon governments themselves, and the deductions which may be drawn from it at present, appear to justify the opinion which the undersigned has felt it his duty to state. If there be any exaggeration in this opinion, it is shared with the enemies of the republic themselves, who have employed every effort to prolong the truce, and who have not scrupled to use the means of pretended negotiations in order to gain time. The preliminaries signed by the count de St. Julien, and disavowed by his court, are a memorable example of this; and the prolongation of the continental armistice must necessarily be considered as a sacrifice on the part of the republic, since every effort has been employed to extort its consent to it.

But even whilst his majesty's ministry admit the existence of this sacrifice, they formally declare that an analogous sacrifice cannot be expected to be made on the part of his majesty. It certainly does not become France to judge how far his majesty's engagements with his allies may counteract his inclinations in this respect; but France appears to have certainly an undoubted right to demand the price of the sacrifice which she has made, and which she is still willing to make. The first consul has given to Europe repeated pledges of his pacific dispositions; he has never ceased manifesting them to the cabinets interested in this contest; and even although the hopes of the enemies of the French republic should be excited by his moderation, it shall always be the sole guide of his actions.

Notwithstanding this difference in the manner of viewing several questions accessory and preliminary to the proposed pacification, the undersigned cannot but congratulate himself on finding, in all the communications

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which he has hitherto had the honour of receiving, the same assurances of his majesty's disposition to employ his efforts towards the re-establishment of the tranquillity of Europe; and he will neglect no opportunity of placing this disposition in its strongest light to his government.

OTTO.

No. 34.—TRANSLATION of a Letter from M. Otto to Lord Grenville; dated Hereford Street, 2 Vendemiaire, 9th Year, September 23rd, 1800.

My lord;—I have the honour to address to your excellency the answer to the note which you had the goodness to transmit to me on the 20th of this month. I beg, &c.

OTTO.

No. 35.—NOTE from Lord Grenville to M. Otto; dated Downing Street, September 24th, 1800.

Lord Grenville presents his compliments to M. Otto, and has the honour to acquaint him, that, in consequence of his desire for an opportunity of conversing with a person of confidence on the part of this government, respecting the different proposals which have been made as to the conditions of a naval armistice, his majesty has been pleased to give authority to Mr. Hammond to meet M. Otto for that purpose. It is the sincere wish of his majesty's government, that the result of their conversation on this subject may tend to facilitate the great work of a general pacification on a solid and permanent basis.

No. 36.—LETTER from Lord Grenville to Mr. Hammond; dated Downing Street, September 24, 1800.

Sir;—M. Otto having been empowered by the French government to negotiate a convention for an armistice between this country and France, with a view to negotiations for general peace; and having expressed an earnest desire to enter into verbal explanations on this subject with some person properly authorized on his majesty's part; the king, willing to omit nothing which can contribute to the great work of restoring solid and permanent tranquillity to Europe, has been pleased to make choice of you for the purpose of meeting M. Otto, and of receiving from him such verbal communications as he may wish to make in addition to what has already passed in writing respecting the different projets proposed on either side for a naval armistice.

This letter will point to you the reasons which induce his majesty to consider M. Otto's second projet as unsatisfactory in all the material points in which it differs from the counter projet prepared here by his majesty's command.

You will state to M. Otto his majesty's decision in this respect, and you will enter without reserve into the discussion of the grounds on which it rests. His majesty has no other object in view in this transaction than to contribute to the restoration of general peace. He is not unwilling for this purpose to sacrifice some present advantage, in the opinion that by so doing he consults the permanent interests of his people; but he can neither consent, at the opening of a negotiation for peace, to place himself in a condition of inferiority to his enemies, such as the result of the war in which he is engaged by no means warrants; nor does he think that the object of peace itself would be promoted or accelerated by rendering the intermediate situation of his enemies, under colour of an armistice, such as they might be desirous to prolong, rather than to terminate it by any admissible conditions of peace.

His majesty sees, in the last projet of the French government, little progress towards an accommodation; it is indeed stated in M. Otto's letter to me of the 21st instant, that satisfactory explanations are there given on the two most important points which had been insisted on by his majesty.

The admission of his majesty's allies to partake in the same terms of armistice in which France claims to include her allies, is indeed not only an important, but an indispensable condition of any such agreement; but there can be no ground for representing this equal and necessary arrangement as a concession on the part of France, rather than on the part of his majesty. And with respect to the other point stated by M. Otto (that which relates to the French ships of war) the offer of France still falls very short both of the king's demand, and of what would be necessary even to assimilate the naval armistice to that of the continent. The article in its present shape is therefore so far from containing any facility which could soften or remove the other obstacles in the way of an amicable conclusion of this business, that it must still be regarded in justice as an unequal and inadmissible claim on the part of the king's enemies.

On other points of no less importance, the new project adheres to the former demand, and even in one instance brings forward a fresh pretension which had not before been stated.

In examining in detail the several articles of the proposed convention, some verbal differences between the English counter projet and the second French projet are not intended to be here adverted to.

If the more important points of the negotiation were satisfactorily adjusted, it would be necessary to make some remarks on these, and possibly also to propose, for the sake of precision, a few verbal alterations or additions to the original articles: but none of these appear likely in that case to create any serious difficulty.

It might be sufficient to include under this reserve the two variations made in the preamble of the convention. But it may per-

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haps be more proper for you to state at this time the following observations respecting them; *viz.* 1. That the mention of the respective allies, in the form in which those words are introduced into the French preamble, seems to imply of necessity, not only that the negotiations shall (as is the king's intention) be carried on with a view to a general peace alone, so as to include in the final adjustment all the allies on both sides, but also that those allies should immediately be called upon to take part by their ministers in the proposed negotiations: A question which his majesty conceives may more conveniently be reserved to future discussion, instead of being prejudged by the terms of any separate agreement for an armistice between Great Britain and France. 2. The expressions used in the French projet respecting the continental armistice, appear unbecoming towards the king's allies, and cannot therefore be agreed to by his majesty. 3. The word "*equivalent*" as there inserted, seems to assume, as the basis of the naval armistice, that principle of full compensation to which the king has already refused his consent.

It should in like manner be mentioned by you, that, in the first article, the omission of the words "*forces of*" seems to imply a more complete suspension of the state of war between the two powers, than accords with the nature of an armistice, or is consistent with the conditions (particularly those respecting the transport of naval and military stores) on which his majesty judges it necessary for him to insist.

In the remaining part of this article very material changes are made in the conditions offered by his majesty. These are, 1. The extending the term of notice for the cessation of the armistice, from fourteen days to one month. 2. The requiring that this notice of one month should in all cases be given only in consequence of orders from the respective governments, and by the commanding officer of one country to the commanding officer of the other, in the different parts of the world respectively. 3. The total omission of the clause by which the continuance of the naval armistice was made to depend on that of the continent. It is probable that the two first of these alterations are principally proposed in the same view which led to the omission of this last clause; and the effect of the whole would be, that if the armistice with Austria should at any period be terminated by France, his majesty would still for some considerable time be restrained from assisting his ally. The bare statement of such a condition is sufficient to show that it never can be admitted by his majesty, who is bound by the spirit of his engagements to assist his ally immediately on the renewal of hostilities; and to whom no other inducement has or could be offered for acceding to a naval armistice, except that of preventing the renewal of hostilities on the continent.

The last clause in the English article must therefore be absolutely insisted on, and no variation can be admitted in the other parts of it which shall be inconsistent with the object of that stipulation. The term of fourteen days is in fact longer than that which is provided in either of the two conventions of armistice in Italy and Germany, and appears fully sufficient for all the purposes which such a provision is fairly intended to answer; and as his majesty enters into any stipulation for naval armistice in the sole hope of a speedy conclusion of the intended negotiations, he does not think proper to bind himself for so long a period as a month, should he have the mortification of finding that his enemies refuse to adopt those principles of negotiation on which alone he judges that permanent tranquillity can be restored to Europe. The French government has in all its communications expressed the same hope and desire for the speedy conclusion of peace, and has even professed an anxiety to render this object more peculiarly interesting to his majesty. There can therefore be no reason to wish on either side that the term of notice should be prolonged so much beyond the necessity of the case.

The third article of the counter projet was drawn with a reference to the corresponding articles in the preliminaries of peace in 1763, and 1783, from which it differs only by the more explicit statement of that which is understood to have been the established practice of the courts of admiralty on both sides, with respect to such ships of war as should have made any prizes after having actually received notice of the cessation of hostilities. The addition to this article proposed in the French projet is objectionable; 1. Because there seems to be no necessity for explaining the general effect of a stipulation which has in the practice of the two last negotiations for peace been found sufficiently distinct, and has fully answered the purpose intended by it. 2. Because the explanation there given is not a just conclusion from the premises. It is indeed true, that by the effect of this article ships, clearing out directly from Great Britain or France, might immediately after the exchange of the ratifications sail in full security, because they might carry out with them notice of the armistice; but the same thing would not be true of ships in other parts of the world, as these (under the express terms of this article) could not be entitled to restitution if captured, unless proof were given that actual notice of the armistice had been received by their captors, or unless the period assigned by this article for the part of the world where the capture took place, had expired before the actual capture. 3. The expression of navigating freely as before the war, might be construed to extend to the admission of the ships of one country into the ports of the other respectively; to which, for obvious reasons, the king would not think

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proper to agree. And these words are besides inconsistent both with the stipulations on which his majesty thinks it necessary to insist respecting the transport of troops and of naval and military stores, and even with those which France proposes as to the blockaded places.

The fourth article of the French projet still maintains the contradiction of professing to assimilate the blockaded places to those of Germany, and of applying to them at the same time, conditions which are the very reverse of those adopted in the German armistice. The manner in which that armistice is spoken of in this article, affords another instance of expressions unnecessarily and improperly offensive to the king's allies. There seems no reason for altering this paragraph of the counter projet, which is perfectly distinct, and conveys no implication injurious to either party. The king cannot agree that 10,000 rations per diem shall be assumed as the consumption of Malta. If the fact be so, it will appear to the commissaries who will be named for that purpose, in conformity to those stipulations of the German armistice to which France professes the intention of assimilating this article.

But a still more material objection arises to the proposal respecting Egypt. If the situation of the French army in that country were to become matter of discussion between the two governments, his majesty and his allies have a right, on every principle of good faith, as practised between civilized nations, to require that the French should evacuate Egypt on the terms stipulated in the convention of El Arish; those stipulations having been ratified both by the Turkish government and by the French commanding officer; and his majesty having also instructed his admiral commanding in those seas to accede to them as soon as they were known here. This demand would be made with the more reason, because even subsequent to the recommencement of hostilities in Egypt [under circumstances to which his majesty forbears to advert] an official engagement was entered into by general Kleber in his letter to the Kaimakan, dated the 10th April 1800, by which that general, then commanding in chief the French army in Egypt, and consequently possessing full powers to bind his government in this respect, formally undertook that the convention of El Arish should be executed so soon as the king's acquiescence in it should be notified to him.

But when, instead of performing this engagement, the French government, under a pretence of assimilating Egypt to the blockaded places of Germany requires that six frigates shall carry thither, without molestation or search, and even under the open protection of a British officer, whatever articles the French garrisons there may be most in need of, it is natural to ask by what article in the German armistice, Ulm or Ingolstadt are to receive in covered waggons as many troops, as much provisions, and as great a quantity of every species of arms, ammunition, and stores, as might be conveyed to Egypt in six French frigates? And this comparison is still more striking when it is considered that by the German armistice the blockaded places are expressly restrained from receiving, during the armistice, any thing which can supply additional means of defence; and on the other hand, that the proposals for the evacuation of Egypt originated on the part of the French themselves, who now desire to avail themselves of the benefit of an armistice to strengthen that very position which by an agreement made in consequence of their own request, they have actually engaged to abandon. This part of the French article is therefore wholly inadmissible. It contains a pretension unjust in itself, injurious to his majesty's interest, and repugnant both to the general principle of the negotiation, and to that which is specified in the very beginning of the article itself; and it implies a breach of faith on his majesty's part towards an ally to whom he is bound by a solemn treaty.

Besides all these considerations, his majesty has no power to restrain by such an engagement as is here proposed, the ships of the Ottoman Porte from resisting the admission of this supply into Egypt, unless his ally had acceded to the armistice, which if it be concluded on such terms as these, there can be no reason to expect. The manner in which this particular subject of Egypt is spoken of, both in the projet and in M. Otto's note of the 16th instant, makes it necessary that you should distinctly declare that the offer which was contained in the counter projet goes in this respect to the very utmost extent that his majesty's regard for the interests of his subjects can admit of. And his majesty is confident that no want of conciliation can justly be imputed to him, on account of his having at once brought forward explicitly and without reserve the whole of those concessions which it appeared possible for him to make. This observation applies equally to the remaining articles of the projet.

In the fifth article his majesty finds himself obliged to insist that the freedom of navigation there stipulated for on the part of his enemies, shall not be extended to the transport of troops or of naval and military stores. The justice of this exception and its necessity are too obvious to require any further explanations in addition to those contained in the official notes; and it follows as a consequence of this principle, as well as from the nature of the subject itself, that the restriction as to the sailing of ships of war would be wholly illusory, were it, as now proposed, confined to ships of the line only. It would indeed, neither be indifferent in practice nor just in principle, that France should be enabled during the armistice to change the stations of all her frigates; but when it is considered

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how much it is the usage of the French marine to employ those vessels for the transport of troops and military stores, the two parts of this article become so blended with each other that they cannot be separated; and his majesty cannot depart from the latter without equally abandoning the former. The naval supply of the articles which are here in question, is indeed stated in one of M. Otto's notes to be a point of small moment to France. If it be so, she can with less reason insist on a point which can in this case only be insisted on with a view to affect those general principles which are connected with all the most important maritime interests of Great Britain.

The sixth article contains a new demand on the part of France, superadded to all the pretensions advanced in her first projet. It rests on no just or equitable principle; for while France would restrain his majesty from strengthening by the addition of more troops the forces of his allies in Italy, she reserves the power of augmenting her own armies there, or of assisting her allies elsewhere, precisely as it may suit her future plans of operations. The French government now possesses, *de facto*, no means to prevent the transport of his majesty's troops by sea; and it is not reasonable that it should acquire the right of doing so by the terms of an armistice which conveys to his majesty no fresh means of impeding the future operations of his enemies beyond those which are already in his power, but which even concedes to them considerable advantages of which they are not now in possession.

It remains only to speak of the alterations made in that article which regards the allies on both sides. His majesty's objections to the form proposed on the part of France for this article were detailed in my answer to the first projet. If France considers the allies in the light of independent powers, and is in the future negotiations to treat on that footing respecting her own interests and theirs, it is necessary that this principle should equally be adhered to in the preliminary arrangements which precede the negotiation. It has not appeared to his majesty by the communication of any regular or official act, that the French government has any authority to treat in this respect for Spain or Holland. His majesty on his side has received no such authority from his allies? and it would be inconsistent with good faith were he, without such authority, to engage in their name for an armistice with France in any other form than that which is usual in such cases; namely, that they shall be at liberty to accede to the convention if they think fit. In that form his majesty is ready to admit the article as with respect to the allies of France, and in that form only can he agree to include his own allies in this engagement.

If the article were concluded in the terms now proposed by France, his majesty would be bound by the obligations of good faith to observe the armistice towards Spain and Holland, while, on the other hand, he could have no reciprocal claim on those powers, grounded either in justice or in the law or practice of nations. Nor could he require the restitution even of a single merchant vessel captured by a Spanish or Dutch ship of war. Those powers, if regarded by France as independent, cannot be bound by her act; and must be admitted as contracting parties acceding by a regular diplomatic transaction to the terms of the armistice, before they can be considered as under any obligation to fulfil those terms. These considerations are indeed so obvious, that it is not easy to imagine in what view the French government has proposed to alter the article from the form in which his majesty had offered to consent to it.

I have now only to add, that should the armistice be concluded, his majesty would think it necessary, for the purpose of accelerating the negotiation (an object of which the French government has declared itself to be also very desirous) to limit a period for its continuance beyond which it would not be his majesty's intention, nor would it be consistent with the essential interests of his dominions to extend it. The power of doing this will be reserved to either party by the terms of the convention. Nor does this power result only from the articles as here proposed; it is equally reserved to both parties by the effect of the present French projet; and there is, therefore, no necessity for specifying in the convention itself either his majesty's intention in this respect, or, still less the precise period of such limitation. But it may appear on his majesty's part more consistent with that openness which his majesty is desirous to observe in this whole transaction, that you should express this intention to M. Otto in this stage of the business, reserving to a subsequent period the formal notification to be duly made in his majesty's name agreeably to the terms of the convention. You are at liberty to communicate to M. Otto in the course of your discussions the whole or any part of this letter, and to allow him to take either a copy or such extracts from it as he may wish. GRENVILLE.

No. 37.—NOTE from Lord Grenville to M. Otto; dated Downing-street, September 25th, 1800.

Lord Grenville presents his compliments to M. Otto, and has the honour to send him herewith the official answer to his communication of the 23rd instant. He requests, &c.

No. 38.—NOTE from Lord Grenville to M. Otto; dated Downing-street, September 25th, 1800.

It is by no means the wish of the British government to prolong a written controversy on the circumstances to which the first part of M. Otto's note of the 23rd instant principally

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relates: it is however necessary, in order to vindicate the accuracy of the former statement which the undersigned was directed to make, that the dates of those facts should, in reply to M. Otto's note, be more particularly detailed; but this will be done without adding any fresh comment upon them.

The first proposal made to his majesty, on the part of France, for a naval armistice, grounded on that of the continent, was dated on the 24th of August. The notices for terminating the continental armistice were given by the French generals on the 27th and 29th of August; the orders for that purpose must therefore have been actually sent from Paris before the 24th.

His majesty's answer was transmitted by the under-signed to M. Otto on the 29th, the very day on which the last of the notices was given in Germany. That answer referred to the Austrian armistice as still existing; and it was not till the 4th of September that the first intimation was received here of the measures taken in Germany for giving notice of its termination.

With respect to the letter of M. Talleyrand to the baron de Thugut, to which M. Otto refers, it was also dated the 24th August. The French government, so far from being at that time entitled to consider his majesty's intentions as hostile to the re-establishment of a solid system of pacification, was then actually in possession of the notification given in his majesty's name, through his ally, of his readiness to concur in immediate negotiations for that very purpose.

It will be with real pleasure that his majesty will see the conclusions which appeared to him to result from these facts disproved by the event. The best evidence which the French government can now give of the sincerity of its dispositions for peace, will be found in the facilities it may afford for expediting both the commencement and the successful termination of that negotiation into which the king and his ally the emperor of Germany have already expressed their willingness to enter, and which can alone, by a general and comprehensive arrangement of the interests of all the parties concerned in this extensive war, afford to Europe the hope of solid and permanent tranquillity.

With respect to the supposed case, in which it is stated, that France would not agree to treat with Austria but for a separate peace, the fortune of war can alone decide on the means of realizing such a pretension, but whenever it shall be insisted on by France, after the experience of what has already passed, it will afford to all other powers, not a presumption only, but the painful and decided conviction, that the French government has no real desire to put a final and conclusive period to the calamities of Europe. No man who considers the past events of this contest with attention, or who is capable of judging with accuracy of the present situation of affairs, can believe that if the present war is to be terminated only by a succession of separate treaties between the different powers now engaged in it, any permanent or solid basis of general tranquillity could be established.

As his majesty has, in compliance with M. Otto's wishes, authorized a proper person to confer with him respecting the different proposals for a naval armistice, it is unnecessary to add any thing here on that subject. This step affords a new proof of his majesty's dispositions to lend himself to every reasonable facility which can contribute to a general pacification, and every part of his majesty's conduct will be found conformable to those dispositions.

No. 39.—Letter from Mr. Hammond to Lord Grenville; dated Downing-street, September 25th, 1800.

My lord;—I have the honour to inform your lordship that, in obedience to his majesty's commands signified to me in your lordship's letter of yesterday, I have this morning had a conference with M. Otto on the subject of the proposed armistice between Great Britain and France.

Having suggested to M. Otto whether it might not tend to facilitate the discussion, that we should read over the counter projet transmitted by your lordship to him on the 7th of this month, and the projet delivered by him on the 21st in answer to it; and that I should state to him, from the instructions which I had received from your lordship, the objections on the part of his majesty's government to the several articles of that projet; and M. Otto having acquiesced in this suggestion, we pursued regularly this course of proceeding.

As it does not appear necessary that I should enter into any detail of the conversation which took place between us on those parts of the projet which M. Otto conceived that the French government would relinquish, it will be sufficient for me to observe on this part of the subject, 1st, That M. Otto conceived that the French government would, in forming a regular convention for an armistice, have no objection to adopting the preamble in the counter projet instead of that which was proposed in the French projet. 2ndly, That concurring in the opinion that the phrase in the 4th article, "*appellée à jouir du benefice de l'armistice continental*," might be (for the same reasons which applied to particular passages of the preamble) liable to a construction offensive to his majesty's allies, he doubted not that the French government would consent to omit that phrase in the 4th article. 3rdly, That he doubted not that the French government would have no difficulty in agreeing to omit the concluding clause of the 3rd article, from the words "*d'où il resulte*," to the end.

With respect to the clause in the 1st article of the counter-projet, by which the duration

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of the naval armistice is made to depend on the continuance of the continental armistice, M. Otto conceived that, by allowing the officers commanding the British forces to recommence hostilities as soon as the cessation of the continental armistice should be signified to them, too great a latitude was left to their discretion; and that it therefore seemed most adviscable that, in that event, the cessation of the naval armistice should be signified from government to government, as would be the case whenever, for any reason, either Great Britain or France might think it for their interest that the naval armistice should cease. But upon my representation of the advantages which France, on the one hand, would derive from her local position and the facility of collecting its forces on any point which it might determine to attack, and the delay, on the other, which would necessarily occur in the receipt of the intelligence in England of the rupture of the armistice in any distant part of the territory of her allies, M. Otto agreed to refer this subject to future consideration.

We then proceeded to the 4th and 5th articles; on which M. Otto remarked, that they contained the only points to which his government attached much importance; and, such were its sentiments respecting them, that he conceived that it would not consent to any armistice of which they did not form a part. With respect to the calculation of the provisions for Malta at the rate of 10,000 rations per diem, M. Otto did not specify any data on which that calculation was founded, but remarked briefly, that the quantity of rations was not to be exactly apportioned to the precise return of the garrison, but that a certain number of rations, in proportion to their respective ranks, was to be allowed to the general and staff officers; and that although a considerable number of the inhabitants had been sent from the forts occupied by the French troops, there still remained many for whose wants, provision was to be made. He was however of opinion, that there might not be much difficulty in arranging this point in the manner proposed in the counter-projet, founded on the stipulations in the German armistice relative to Ulm and Ingolstadt.

On the subject of that part of the fourth article of the French projet, which requires that six frigates should be allowed to sail from Toulon for Egypt, and be exempted from search, M. Otto read to me part of a dispatch from M. Talleyrand, expressive of the interest which the whole French nation takes in that part of the army now in Egypt, and assigning the desire of contributing to the comfort and security of that army as the principal inducement to the conclusion of the armistice on the part of the French government. M. Otto added, that he would not conceal from me that the re-inforcement which France intended to send to Egypt amounted to 1,200 men, and that the supply of military stores consisted chiefly of 10,000 muskets. The language of M. Otto in this part of our conversation, and of M. Talleyrand's letter, appeared to me to be so decisive and peremptory, that I was induced to inquire of him distinctly, whether I was to understand that this stipulation was a point from which the French government would not recede? M. Otto replied, that, in his opinion, the French government would not recede from it.

On my adverting to the variation in the 5th article between the counter-projet and the French projet, by which the latter stipulates, that the French frigates and smaller ships of war should be allowed freely to sail from and return to the ports of France which have hitherto been in a state of blockade, M. Otto remarked, that the motive which induced the French government to insist on this clause was the desire of opening a secure mode of communication between France and her distant possessions. To this insinuation I replied, that if such was the sole object which France had in view, it might be as effectually attained by the employment of unarmed vessels as of ships of war. M. Otto did not appear desirous of urging this point much farther, but concluded this part of the conversation by expressing his conviction, that the French government would insist upon this point, and considered itself as having gone to the utmost extent of sacrifice which could with justice be required from it, in consenting that the ships of the line should not alter their position. With respect to that part of the counter-projet which restrains the conveyance by sea of naval or military stores, M. Otto is of opinion that the French government would agree to that restriction.

The 6th article in the French projet, although entirely new, was not considered by M. Otto as likely to be insisted upon by his government; but he declined giving any positive opinion to that effect, until he had had farther time for the consideration of its tendency.

M. Otto's principal objection to the form in which the article marked 6, in the counter-projet is worded, was founded on an opinion, that unless Great Britain and France assumed the right of including their respective allies in the naval armistice, without waiting for their express concurrence in it, much delay would necessarily arise, and the two powers (great Britain and France) might be involved in fresh hostilities in consequence of either of them deeming it expedient to attack the allies of the other. He afterwards intimated a persuasion, that the article might be amended by inserting a clause which should fix a specific period in which the allies of Great Britain or France should signify their accession to or dissent from the naval armistice.

Towards the close of our conversation, M. Otto acquainted me that he would state to me in writing the objections to the counter-

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projet which he had received from your lordship, and his observations on the objections that had been made by me to the projet which he had delivered.

I have now endeavoured to give your lordship a faithful account of the substance of my conference with M. Otto. The very ample instructions with which I was provided, and which (as I have mentioned in the beginning of this letter) I read to M. Otto, precluded me from adding many observations; and as I have promised to communicate to that gentleman extracts of such part of my instructions as relate to the 4th and 5th articles, the two essential subjects of difference between us, he will have the means of re-tracing in his recollection the precise grounds of the objections to his proposal which have occurred to his majesty's government.

Before I conclude this letter, I cannot avoid mentioning, that in the course of our conversation, M. Otto threw out the most pointed assertions of the determination of France, in the event of the naval armistice not being concluded, to pursue the course of her victories in Germany and in Italy, and of the facilities that the conquest of Naples and Sicily (events which he regarded as speedy and inevitable) would afford to the French government of obtaining by force those objects relative to Egypt and Malta, which it had expected to acquire through the naval armistice. Of these assertions, though frequently repeated, I judged it proper to take no notice, but to re-call his attention to the subject immediately under discussion. I have, &c. GEO. HAMMOND.

No. 40.—TRANSLATION of a Letter from M. Otto to Mr. Hammond; dated Hereford-street, 4 Vendemiaire, 9th Year, September 26, 1800.

Sir;—I lose no time in sending you the substance of the observations which I had the honour of making to you upon the principal contested points; I most sincerely wish that your ministry may think them satisfactory. I beg of you, at the same time, to have the goodness to address to me, as was agreed upon between us, a copy of the reasonings to which these observations are in answer. I have, &c. OTTO.

No. 41.—TRANSLATION of a NOTE from M. Otto—in M. Otto's Letter of September 26.

Citizen Otto having observed, in the remarks made to him by Mr. Hammond, three points only which appear to him to be really of a nature to retard the conclusion of the proposed armistice, reserved them for future consideration, and an answer in writing.

After having maturely reflected upon the object of the maritime truce, upon the actual position of France and of her enemies, upon the influence which this negotiation must have with regard to a general pacification, he feels it his duty to make the following observations upon the disputed points:

1. The fourth article in granting 10,000 rations per diem to the garrison of Malta, has not only in view the effective troops of the republic, but all the persons attached to the garrison, and even the inhabitants of the place. The citizen Otto does not think that it is possible to diminish that quantity; nevertheless, in order to remove, as much as possible, the objection which has been stated to him, and to accommodate himself as much as possible to the manner in which the subject is viewed by the English government, he consents to limit that estimate to the first month, a period necessary to afford to the respective commissaries, the means of agreeing upon the amount which may be necessary for the support of the garrison of the place.

The second point contained in the fourth article, respecting the liberty of dispatching six frigates to Egypt, appears to have given still more uneasiness than the preceding one, and has given rise to a more animated discussion. Upon this subject citizen Otto cannot avoid again remarking, that if the French government proposed to assimilate the places in Egypt to those of Ulm and Ingolstadt, it could only do so, and has in truth only done so, from the analogy that there is between these places with respect to the blockade; for, in every other respect, the comparison is inexact; in fact, nobody is ignorant that the places of Egypt are not, like Ulm and Ingolstadt, in want of being victualled, since they cannot be prevented from drawing from the surrounding countries all the subsistence they require; that, besides, those places are not blockaded in such a manner as to make it probable that they should fall into the hands of the enemies. By that comparison therefore it could only be meant that there should be granted to the places blockaded by the forces of the enemies, advantages analogous to those which have been granted to the places in Germany, which advantages can only be ascertained by the special stipulations of the convention which it is proposed to conclude. The free passage of six frigates cannot add any considerable strength to the army of Egypt; it will only serve to prove to that army that the French government takes an interest in its fate, until it shall be definitively settled by a treaty of peace. In reviewing the circumstances which have followed the capitulation signed by sir Sidney Smith, citizen Otto cannot perceive the impropriety of such an arrangement, relatively to the Porte, and he sees with regret that the observations made to him by Mr. Hammond, do not offer any adequate motive for relinquishing that demand; the acquiescence in which can alone establish any kind of analogy between the places of Egypt and those of Ulm and Ingolstadt.

2. The fifth article of the new projet differs in several respects from that of the counter projet of the British ministry; but it differs much more still from the first projet

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which citizen Otto had the honour of presenting, inasmuch as it admits that no ship of the line now at anchor in the ports of Brest and Toulon, shall go out thereof during the continuance of the armistice. The French government is of opinion that this concession, and more especially in the present season, goes as far as it can go, and that by admitting that no armed vessel should go out of the said ports, they would leave those ports really in the same state in which they are at present; indeed in a state even less favourable since the time is perhaps not far off when the British forces will not prevent those vessels from going out. All that citizen Otto can concede, with regard to this article is, that no naval stores shall be imported by sea into the ports of Toulon and Brest; but he must insist upon the free egress of frigates and sloops. If this concession gives to France the advantage of an effectual communication with her colonies, it is an equivalent to that derived from this armistice to the commerce of England; which, under the protection of this convention, can extend itself to all parts of the world, without being molested by French privateers.

That, besides, if a reference were made to the comparison between the continental armistice and the maritime truce, that comparison would be found to be entirely to the disadvantage of France. Upon the continent, the French and Austrian armies reciprocally enjoy the same liberty of taking, within the line of demarcation, those positions which appear most advantageous to them: by the maritime armistice, on the contrary, England preserves alone the right of disposing of her squadrons, whilst the French ships of the line remain in their ports, and cannot enter into any hostile combination against Great Britain.

3. The sixth article of the new projet, respecting the English troops which may be allowed to land in Italy, has been considered as a new pretension on the part of France, since she had made no mention of it in her first projet; but this pretension (if it can be called so) is only the natural consequence of a concession alike new made by France, in offering to include in the armistice the allies of Great Britain. It would indeed be impossible to allow the king of Naples to enjoy advantages from this truce, and to leave him also the power of re-inforcing and of preparing fresh means of attack against the republic.

Citizen Otto confines himself to these observations, which he deems of most importance. Other objections which have been made, and which in great measure relate to the form of drawing up the proposed convention, might be easily obviated.

No. 42.—Note from Mr. Hammond to M. Otto; dated Downing-street, September 26, 1800.

Downing-street, Sept. 26, 1800.

Mr. Hammond is directed to acquaint M. Otto, that the observations contained in his note this day, received by Mr. Hammond, have been laid before his majesty's government.

The king's servants regret that M. Otto's instructions are not sufficiently extensive to enable him to furnish the means of accommodation on those points which prevent the conclusion of a naval armistice.

The only object which his majesty has had in view in this discussion, has been repeatedly stated, as well as those considerations which appear to him necessarily to limit the extent of the concessions which it is possible for him to make in this respect.

It is not conceived that any advantage can arise from a new statement of the same topics, especially as it is not doubted that M. Otto, in his report of the different arguments stated by Mr. Hammond in their conference, will bring them in the fullest manner under the consideration of his government. In offering these concessions, his majesty has given a strong proof of his willingness to make a considerable sacrifice to the particular interests of this country, in order to facilitate those negotiations for general peace in which he has expressed his readiness to concur. He still perseveres in the same dispositions, and will be willing to join in any proper steps to be taken for that purpose.

No. 43.—Translation of a Letter from M. Otto to Mr. Hammond? dated Hereford-street, 6 Vendemiaire, 9th year, September 28, 1800.

Sir; I have received the note, which you did me the honour to address to me on the 26th, and I lost no time in forwarding the contents to my government; and also the observations contained in the piece which I have now the honour to return inclosed.—His majesty's ministry has done justice to my intentions, in being persuaded that I would send to France a detailed and exact account of the conversation which I had the honour of having with you. I have done every thing in my power to make the First Consul acquainted with the whole extent of the observations which you were directed to communicate to me.—Whatever may be the result of this attempt of the two governments to re-establish the general tranquillity of Europe, I ought to congratulate myself for having been, to the ministry of his majesty the organ of the pacific dispositions of France; and for having been charged to transmit to my government the assurance of the equally conciliatory dispositions of his majesty. I have, &c. Otto.

No. 44.- Translation of a Letter from M. Otto to Mr. Hammond; dated Hereford-street, 14th Vendemiaire, 9th year, October 6, 1800.

Sir; Mr. George not being yet returned, I have the honour to address myself directly to

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you, to request that you will meet me in Park-place, or in any other place which you shall think proper to appoint. I have, &c.

OTTO.

No. 45.—LETTER from Mr. Hammond to M. Otto; dated Downing-steet, October 8, 1800.

Sir; In endeavouring to make, for the information of his majesty's ministers, as accurate a representation as I could of the purport of the communication which you yesterday made to me verbally, I have felt so much anxiety lest, in an affair of such importance, there should be any mis-statement on my part of what you said, that I cannot help expressing to you my earnest desire that you would send me a written minute of the substance of this answer, in the same manner as has been done in all the other stages of this discussion. I have, &c.

GEO. HAMMOND.

No. 46.—TRANSLATION of a Letter from M. Otto to Mr. Hammond; dated Hereford-street, 16 Vendemiaire, 9th year, October 8, 1800.

Sir; I have received the letter which you did me the honour to address to me this morning, requesting that I would acquaint you in writing with the substance of the communication which I have been directed to make to you; the importance of the object to which it relates rendering you apprehensive lest you should not completely have seized the meaning of the communication: I hasten therefore to transmit the substance of it to you.—The last notes which were exchanged, and several important events, which have completely changed the basis upon which the proposed armistice was to have been established, having put an end to the negotiation on foot, I had the honour to inform you, that notwithstanding the circumstances which are opposed to the conclusion of a maritime truce, the First Consul is invariably disposed to receive any overtures relative to a separate negotiation between France and Great Britain, and that the mode of such overture entirely depends upon the option of his majesty: that when the king shall think proper to send, for that purpose, a plenipotentiary to Paris, I am authorized not only to consent to it, but to deliver to him the necessary passport. That if, on the contrary, his majesty should prefer that the preliminary negotiations should be begun at London, special powers will be sent to me for that purpose. I have, &c.

OTTO.

No. 47.—LETTER from Mr. Hammond to M. Otto; dated Downing-steet, October 9, 1800.

Sir; I have the honour to acknowledge the receipt of your letter of yesterday's date; and I am directed in return to acquaint you, that his majesty's government entirely agrees in the opinion there expressed, that all further discussion of the terms of a naval armistice would be superfluous, as the only object which it was proposed to his majesty to secure by such an arrangement has in the mean time been made the ground of separate sacrifices required from his ally.—With respect to the proposal of opening negotiations for a separate peace, his majesty, retaining always the sincere desire which he has uniformly expressed for the restoration of general tranquillity in Europe, must at the same time renew his former declarations of an invariable determination to execute with punctuality and good faith his engagements with his allies; and must therefore steadily decline to enter into any measures tending to separate his interests from those of the powers who shall continue to make common cause with him in the prosecution of the war. I am, &c.

GEO. HAMMOND.

APPENDIX, A.—TRANSLATION of an Extract of a Letter from the Baron de Thugut to M. Talleyrand; dated Vienna, August 11, 1800.

The emperor has ordered me, sir, to convey to the First Consul, through your channel, the invitation for the immediate meeting of the respective plenipotentiaries, who with good faith and zeal are occupied in concerting, with as little delay as possible, the means of re-establishing general tranquillity, after which suffering Europe, has long sighed in vain. His majesty flatters himself, that through that measure his pacific wishes will be speedily accomplished with the more certainty, because the king of Great Britain, his ally, has just caused it to be declared to him that he is ready, on his part, to concur in the same negotiations, as it appears by the enclosed copy of the official note delivered here by lord Minto, his Britannic majesty's envoy extraordinary and minister plenipotentiary. It only remains therefore to agree upon the place at which the plenipotentiaries shall meet, which will doubtless be easily settled. In order to facilitate the intercourse of the plenipotentiaries with their respective governments, his majesty thinks that it would be advisable to give the preference to some place nearly central, such as Schelstat, Luneville, &c. or some other; with respect to which, in order to save time, the French government might come to an understanding directly with the British government. According to the declaration which, by his majesty's express order, I have now the honour to transmit to your excellency, and according to the equally pacific dispositions which his Britannic majesty has testified, it will henceforward depend upon the French government alone to accelerate the happy moment of the restoration of repose to Europe, so cruelly mangled by a destructive war.

BARON DE THUGUT.

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APPENDIX, B.—TRANSLATION of a Note from Lord Minto to the Baron de Thugut; dated Vienna, August 9, 1800.

The undersigned, his Britannic majesty's envoy extraordinary and minister plenipotentiary, did not fail to transmit to his court all the communications which have been made to him by the Emperor's direction, by his excellency baron Thugut, relative to the correspondence which has taken place between his majesty, the Emperor, and the French government, respecting overtures for peace. The undersigned has in consequence been directed to intimate the satisfaction which his majesty has received from this mark of confidence on the part of his imperial and royal majesty. The undersigned does not delay, after the authority which he has just received, to declare that his Britannic majesty, desirous at all times of giving to the Emperor and to all Europe the clearest proofs of his perfect and cordial union with his imperial and royal majesty, and of the value which he attaches to the constant preservation of the intimate concert and friendship which are so happily established between their crowns and their subjects, is disposed to concur with Austria in the negotiations which may take place for a general pacification, and to send his plenipotentiaries to treat for peace in concert with his imperial and royal majesty, as soon as the intention of the French government to enter into a negotiation with his Britannic majesty shall be known to him.

MINTO.

APPENDIX, C.—TRANSLATION of a Letter from General Kleber to his excellency the Caimakam of the Sublime Porte; dated Cairo, 20 Germinal, 8th year, 10th April, 1800.

General Kleber, commander in chief of the French army in Egypt, to his excellency the Caimakam of the Sublime Porte, illustrious amongst the great, the enlightened, and the wise; may God grant to him a long life full of glory and of happiness! Health and friendship.

Your excellency has, without doubt, been informed of the progress and result of the negotiations which I had concluded with his highness the supreme vizir Youssef Pacha; and according to the assurances to that effect, which I have received from persons of distinction of your nation, I have reason to think, that the treaty of El Arish has obtained the approbation of his majesty the Emperor Selim the second.

Several articles of this treaty had already been executed, and the French army in particular was faithfully fulfilling its engagements.

I was upon the point of evacuating Cairo, when I received from lord Keith, commander in chief of the English fleet in the Mediterranean, a letter, which excited the surprise, and above all, the indignation of all the French. I herewith annex a copy of it. This paper, which evinces the most perfect ignorance of my situation, and the neglect of every thing due to allies, rendered illusory not only the convention of El Arish, but also of every kind of treaty which I might thenceforward conclude with the Sublime Porte. With regard to the injurious conditions contained in that letter, your excellency will readily perceive, that the French army in Egypt can never be reduced to subscribe to them.

I had communicated these observations to the grand vizir, and I proposed to him to postpone the evacuation of Cairo until this unexpected difficulty should be removed. I could not demand a more moderate pledge of the execution of our conventions; his excellency refused to consent to this proposal, and chose rather to expose to the fate of a battle, the possession of a country which was absolutely assured to him. This battle took place on the 29th of Ventose; and heaven protecting the justice of my cause, conferred victory on me. Nevertheless, the sincere desire which I have always had to re-establish the ties of friendship and of interest, which, during so many centuries, have united the two nations, is not altered by that event. The Sublime Porte will still find me disposed to deliver up to him the possession of Egypt upon the conditions stipulated at El Arish, with the exception of some modifications, which the existing circumstances have rendered necessary. Thus all motive for a fresh effusion of blood would be obviated, and a regular negotiation (the effect of which would no longer be prevented by unforeseen orders) would restore to the Ottoman empire those provinces of which it would be in vain to attempt to deprive us by force of arms. If your excellency shares these sentiments of peace and concord, you will communicate them to his majesty the Emperor Selim the second, and without doubt, you will obtain orders to resume, without delay, those conferences which would conduct us to the object which we are equally desirous of attaining. I beg &c.

(L. S.) (Signed) KLEBER.

APPENDIX, D.—TRANSLATION of a Letter from M. Baudot to the first interpreter of the Sublime Porte; dated camp of Jaffa, April 15, 1800.

At the camp of Jaffa, 15th April, 1800.

Baudot, first aid de camp to general Kleber, commander in chief of the French army in Egypt. To the first interpreter of the Sublime Porte.

Prince; In all my conversations with you, I have continually repeated to you, that the firm and clearly expressed intention of general Kleber has always been, scrupulously to execute the treaty of El Arish. I add, with con-

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fidence, from my knowledge of the loyal and open character of that general, and the real wish which he has to give to the supreme vizir the most positive proofs of his good faith, that, whatever may be the fortune of war, the French army shall evacuate Egypt immediately after the arrival of the necessary passports from the English government, and of the number of vessels stipulated for the transport of the troops. I have the honour, &c.

(Signed) BAUDOT.

Debate on Mr. Jones's Motion relative to the Evacuation of Egypt.] Nov. 18. Mr. *Jones* said, that when the late correspondence between his majesty's ministers and the government of France had been laid upon the table, he expected that, at the desire of the ministers themselves, they would have been taken into consideration. Since that expectation had been disappointed, he hoped he should stand excused if he begged the attention of the House to the subject of the evacuation of Egypt, now become, by the incapacity of ministers, the bone of contention between England and France, and the stumbling-block of peace. The French were now firmly in possession of Egypt; and of what detriment to the country that possession was, the papers on the table of the House fully evinced. The object of his motion was, the production of a letter, on the subject of which almost the whole of the voluminous correspondence he held in his hand turned. Mr. Jones here referred to the letters marked No. 7, No. 15, No. 18, No. 24, No. 25, No. 28, No. 32, and to No. 38, Mr. Hammond's instructions to confer with M. Otto on the 2nd projet. On these instructions, Mr. Jones asked if sir Sidney Smith was not joined with his brother, Mr. Spencer Smith, as joint plenipotentiary of Great Britain at the court of Constantinople? Had he not power to treat at Acre? Did not ministers know that, in conjunction with Ghezzar Pacha, sir Sidney offered to convey the French out of Egypt, individually or in the aggregate? Did ministers, previous to January 24, 1800, after the convention with Kleber, countermand the orders under which it is presumed he acted from the beginning of May in the preceding year, as if not warranted in his conduct? Did they, to prevent a repetition of it, express their anger within the eight following months, or even some time after he had acceded to the convention? Did not lord Elgin, before and since the present year, instruct sir Sidney to get the French out of Egypt by every possible mode and means? Was it not the intention of the court of London not to ratify the original treaty sent immediately to general Kleber in the first instance? Ought it not to have been sent to the French general through sir S. Smith? Ought not the Ottoman Porte, our ally, to have had the earliest notice? But furthermore, did not La Constance galley deliver the letter of lord Keith, first to Kleber at Alexandria, and then proceed with the same instructions to sir Sidney Smith, who was on duty at Cyprus? What was the consequence? Did not 8 or 9,000 of our good allies perish in the field? Was not the very existence of the Ottoman government threatened at its centre? Might not the proud tartan have been supplanted by the tricoloured cockade of France in Constantinople?—Mr. Jones then referred to No. 39 of the correspondence, viz. Mr. Hammond's letter to lord Grenville after the conference with M. Otto, particularly on the 4th and 5th articles being repeated. Mr. Jones observed, that these articles comprehended Egypt as the stumbling-block to peace. He then referred to No. 41—Otto's note to Mr. Hammond, proving sir Sidney Smith's signature to the treaty of El Arisch, before denied to have existed. He trusted ministers would not deny their own official document. He then lastly referred to the Appendix C, general Kleber's letter, alluding to the letter of lord Keith, which letter he now requested to be laid on the table of this House. The letter he referred to was the one which was the stumbling-block to peace, and which had laid the foundation of the breach of the negotiation. This letter (exclaimed Mr. Jones), was issued in an evil hour, and ought to have had the superscription from the sublime Milton—"Woe to the inhabitants on earth!" This letter is a new war-whoop to the bleeding world; it has gone forth to recommence the work of blood-shed. But for this letter, there might have been peace on earth. This letter has put Buonaparté in firm possession of Egypt; nay, so firm, that, if my information be right, the French Copts and Mamelukes under Abdallah Menou are marching into Syria 60,000 strong. This is not all: our territorial possessions in India are endangered: Egypt is the darling child of Buonaparté, the corner stone of his power. By the glaring incapacity of ministers, a new

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field is open to the gigantic pride and ambition of that great and wonderful man, Buonaparté. Who can tell the calamities this blunder may beget to this realm? Proud as Buonaparté now sits on the throne of France, proud as he rules there, this has increased the projects and fired the leviathan-like ambition of that phenomenon Buonaparté. He sees new fields of conquest and of glory; he burns with the anticipation of the newly-acquired territorial possessions of India; he pants to sit (in the language of the sublime Milton)—"High on the throne of Ormus or of Ind," and to rule ere long the kingdoms of Bengal, Bahar, and Orissa. Can he forget the wonderful siege of Acre, which foiled his grand career? that event where sir Sidney Smith repelled him who was deemed unconquerable! Of sir Sidney Smith I never can speak but with enthusiasm. Will he not be eager to wipe way this disgrace, and to prove that in no quarter of the world are there bounds set to his conquests? Sir, by a singular coincidence, there appears as it were an ominous circumstance attending the whole of this affair of Egypt as connected with India, and more particularly as to Buonaparté, who calls himself the "Child of Fortune:" and when I consider how whole countries and states, much more individuals, have been affected and carried on by similar instances of superstition, I will mention it. We all remember the famous battle of the bridge of Lodi, where the character of Buonaparté first blazed forth to the astonished world. Now, Sir, it does so happen, that there is a tribe of Lodi in those regions, a commercial people who carry on a trade between Persia and Hindostan. Might not the vast and capacious mind of the First Consul be worked upon by this singular coincidence of circumstances? But, I repeat, while there is a single Frenchman in Egypt, India is in danger; and the letter I am about to call for is the cause of our alarm at this moment: and I call on the people of England well to consider this dreadful event, inasmuch as I reckon India to be the corner-stone of Great Britain, and that her interests and welfare are interwoven as it were; and I believe from my soul her salvation and existence are involved in the evacuation of Egypt. Furthermore, Sir, we all know, that the invasion of Egypt has evermore been a favourite object with the French government for above 100 years; and ministers knowing that, is it not wonderful that they should have issued this fatal letter, by which they favoured the desperate views of the enemy, and endangered, by their horrible incapacity, the peace and happiness of the whole world? I move, Sir, "That the Letter alluded to in general Kleber's letter to the Kaimakan of the Sublime Porte be laid on the table of this House."

Mr. *Pitt* said, it would be hardly possible for ministers to comply with the object of the motion. It would be a very difficult thing for government to undertake for the production of a letter referred to in one from general Kleber to the Kaimakan, supposing even the representation given of it to be true. But the motion appeared to be altogether unnecessary. He was not aware of any good end that could be answered, nor of any inculpation which could apply to ministers, in consequence of a French general having referred to a letter which evidently, on the face of the transaction, must have been written before government knew that the convention alluded to had been signed by any British officer. The letter, therefore, could state no new fact. As soon as it was known in England, that the French general had the faith of a British officer pledged to him, and was disposed to act upon it, instructions were sent out to have the convention executed, though the officer in question had, in fact, no authority to sign it. The contents of lord Keith's letter was far from being a secret. It was printed, quoted, and universally known in July last, and no novel circumstances were disclosed which could induce the House to contradict the decision which it then came to. The next thing for the House to consider was, the manner in which the hon. gentleman endeavoured to connect this subject with the late correspondence between France and this country, relative to an armistice. By the observations which accompanied the motion, it was shown, that, in making the proposal, the French government meant to derive great advantage from the relief it might be enabled to send both to Malta and Egypt; a relief which it could neither expect nor hope for, while our fleets and armies pursued their operations against them; and thus it was evident, that France set considerable value upon reinforcing those places, which we had an equal interest in preventing them from doing.

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When the House considered the conduct of ministers, in refusing to accede to a convention which they did not know to have had the sanction of a British officer, it should discuss that conduct with a reference to what was the state of Kleber's army at the time; with a reference to the condition of the war in Italy at the beginning of the campaign; and most of all with a reference to the effect which such a reinforcement as that of the army of Egypt might be likely, under all the circumstances, to have upon the war on the continent. In respect to the present state of the French army in Egypt, it appeared that the French government itself considered a reinforcement of 1,200 men and 10,000 muskets as necessary to its safety; and that being the case, it might fairly be presumed, that its condition at present was not very safe, even in the eyes of those who sent it. The earnestness with which this was pressed by M. Otto, proved the importance that was attached to it. In order to enable the House to appreciate the value of the representations which the French made of their own situation, and to judge of the propriety of allowing the invaders to evacuate Egypt upon easy terms, he would just observe, that they spoke with the same confidence of the garrison of Malta; and their certain and infallible means, by the possession of that island, of making themselves immediate masters of Naples and Sicily. The event however showed, that his majesty's ministers were right in not trusting too implicitly to the representations of M. Otto; for as we had since taken Malta from the enemy, we were in that proportionate degree masters of preventing them from sending any reinforcements to Egypt, the maritime places of which were besides blockaded by our fleets. So far, then, it was plain, that, in respect to Egypt, France was not on higher ground now that we are in possession of Malta, than she was at the time that general Kleber first entered into the capitulation; and he could not conceive what it was that gentlemen thought they could complain of. Were he not apprehensive of subjecting himself to the imputation of punning, he would say, that the only new ground brought forward on the present occasion was the demand of an old letter, which was already sufficiently known to all Europe; and he believed no one would attempt to deny, that, as to the power of distressing the French army in Egypt, and preventing it from receiving any reinforcement, we were now in a more advantageous state than at any period since the expedition landed there. For these reasons, he must give his negative to the motion.

Mr. *Grey* defended the motion. He said, it was evident, from the correspondence on the table, that those councils which opposed the evacuation of Egypt by the invading army, at present opposed a very serious obstacle to the conclusion of a peace. By the papers it appeared, that, of the two points most insisted on by France, and which operated as impediments to peace, one was the demand of sending succours to Egypt; and it remained for the House to inquire, why that difficulty was not removed by accepting the terms of the convention agreed upon by general Kleber and the grand vizir, and guaranteed by a British officer? The minister thought proper to rest his defence on a reference to the state of the belligerent armies in Italy, the existing circumstances of the war, and the situation of Kleber's army at the time. But the present motion did not preclude the consideration of any of these topics, and only asked for such information as would enable the House to judge of admiral Keith's instructions. It was not to be supposed, that the present motion would stand alone; if carried, it would be followed by others of a more comprehensive nature. With respect to sir Sidney Smith's powers, it was not necessary for him to be specially instructed, either to sanction or to reject a convention. Sir Sidney was the British officer commanding on the spot; and nothing was more undeniable, than that every military commandant had power to accept any stipulations, which his prudence might direct him to agree to with the enemy, without having any special authority for the purpose. On such occasions, governments were bound, in good faith, to admit what their officers stipulated; and, if it were otherwise, the consequences would be subversive of those principles on which war was now conducted between civilized nations. Government might have instructed sir Sidney Smith not to consent to a treaty for the evacuation of the country, but after such treaty was once signed, it was their duty to have executed it faithfully. The subject was of great importance, inasmuch as the refusal of the British government now formed an

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obstacle to a general negotiation. These were the reasons that would induce him to vote in favour of the motion, which he considered as a preliminary step to further inquiry.

Mr. *Windham* said, that the objection to the motion was, first, that the paper was of no consequence in itself; and, in the next place, that it was already accessible to every one. The conduct of ministers respecting Egypt, certainly was a proper subject for parliamentary investigation. The question respecting the policy of allowing the French to withdraw their army from that part of the world, under all the circumstances existing at the time when the convention alluded to was signed, he allowed to be both important and difficult. But the argument founded upon that transaction, in relation to the printed papers, appeared to him most whimsical. It had been described as a stumbling-block to peace. Now, the fact was, that in war, and in negotiation, every thing which one nation possessed, and which another nation wanted, was in the same sense a stumbling-block to peace; and the argument, if carried far enough, would prove, that, in order to avoid throwing any difficulty in the way of pacification, we ought at once to abandon every conquest we had made. This, to be sure, was a short way of getting rid of difficulties; but it was not one which a nation, consulting its own interests, would be ready to adopt. The hon. mover had said justly, that the French attached a great importance to Egypt. Perhaps, indeed, they considered it of so much importance that, had it not been for the hope of keeping possession of it, they never would have offered to negotiate. But the same arguments which the hon. gentleman employed would, if applied to Malta (which he allowed to be of immense importance to any views, which the French could entertain in Egypt,) justify government in now giving it up to them, and would have justified them in withdrawing our ships from the blockade before it was taken; because it would have removed one of the stumbling blocks to peace. With what the hon. gentleman had said in praise of the gallant defender of Acre, he was happy perfectly to agree. He considered the conduct of sir Sidney Smith, on that occasion, as exhibiting an illustrious instance of the most consummate skill, wisdom, and valour, and the defence of the fort as one of the most brilliant military achievements recorded in history. The importance of the service it was impossible to over-rate, as it proved the salvation of the Ottoman empire, the subversion of which was the main object of Bonaparté's expedition into Syria.

Mr. *Robson* said, he should not think he did his duty unless he brought the author of the letter of instructions to lord Keith to a sense of his error. No possible situation of affairs in the Mediterranean could justify that letter. It was impossible to proceed in the proposed inquiry, without being put in possession of it.

Mr. *Nicholls* was of opinion, that Egypt was of great value to the French, both with a view to India, and with a view to establishing a colony in that country. As a colony, it might be rendered much more valuable to them than ever St. Domingo was. He foresaw that, after we had given up Belgium and the re-establishment of the French monarchy as a hopeless cause, we should still have to contend about Egypt.

Mr. *Sheridan* said, that the question laid within a small compass. The chancellor of the exchequer had said, that sir Sidney Smith had no power or authority whatever to treat with the French commander. Sir Sidney, then, had done what he had no right to do. But, would it be contended, that it was a matter of small importance, that the characters of such men as sir Sidney should be impeached upon a mere *ipse dixit* of the right hon. gentleman? It rested with ministers, if they disapproved of what he had done, to prove that he had no right to do it. The public had, as it were, a property in the character of all officers entrusted with great military powers; and therefore, the House ought not to entertain, without full proof, any aspersion that may be thrown upon their characters. If ministers disapproved of the treaty signed by sir Sidney, it was not enough to disavow it now; they should prove, either that he had exceeded his powers, or that the document alluded to was not authentic. He had no doubt the instrument said to be signed by sir Sidney was authentic, and that he had a right to do what he did.

Lord *Hawkesbury* denied, that Mr. Pitt had thrown blame on sir Sidney Smith. All that his right hon. friend had said was, that sir Sidney had no power from

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this country to conclude the treaty with Kleber. He did not say that there might not be many circumstances in which an officer might be allowed to use his discretion; but, in truth, when the French were supposed to be about to evacuate Egypt, there was no knowledge, in the possession of his majesty's ministers, that any British officer was there, and sir Sidney never did sign any such treaty by any authority whatever. But the moment it was known to government, orders were sent out to support what he had done.

Mr. *Tierney* said, he wanted to know what the letter alluded to was? The right hon. gentleman said, that any body might have seen it in the public newspapers: that was very true; but the publication of any thing in a newspaper, however true, was no ground for a formal proceeding. Nothing, then, could be done against ministers, until the paper was authentically produced. It was a poor way of arguing, to say that sir Sidney Smith had no authority from government; for it was a part of the national compact to regard officers under government abroad upon service in time of war, as having a certain portion of power, to be exercised according to their discretion, for the purpose of alleviating, or perhaps, putting an end to, the horrors of war: this power had been exercised by sir Sidney Smith, and the engagement under it ought to be kept inviolate.

Mr. *Yorke* was astonished that any one should say, that British faith was injured by what had taken place on our behalf in Egypt; more especially after we had been in possession of the intercepted correspondence. Sir Sidney Smith was acting under the command of lord Keith, from whom he had no authority whatever to enter into any treaty with general Kleber, any more than from government.

Sir *W. Young* said, he should oppose the motion, because it would be improper to produce papers containing the instructions of government to their commanders. With respect to the powers which officers had of treating with an enemy, the order sent by government to sir Sidney Smith recognized them. Government did not know that the treaty was signed when this order was sent. With respect to the letter, he did not conceive it necessary to be produced.

Mr. *Sheridan* said, that the charge against ministers was this, that sir Sidney Smith having the power, and having exerted it, ministers sent orders to lord Keith, by which the treaty with sir Sidney was broken.

Mr. *Pitt* said, that before the order alluded to went out, there was no supposition that sir Sidney was then in Egypt, nor that he would be a party to the treaty between the Ottoman Porte and the French general. When he did take a part in that transaction, it was not a direct part. He did not exercise any direct power; if he had done so, he would have done it without authority: he had no such power from his situation; for he was not commander in chief. Large powers must be given to a commander in chief, for obvious reasons; and these powers must be subject to the discretion of the person with whom they were entrusted; but that neither was, nor ought to be, the case with every officer of inferior station: such person, however great his talents, should not go beyond a specified point; for otherwise he might treat for whole provinces, and counteract his superior in command. Sir Sidney was, at first, no party to this treaty: that he sincerely desired it to take place, that it was concluded on board his ship, and that he was a witness to the transaction, was very true; but he never affected to do it on the part of this country. The order was, to signify to our officer that we should not regard the treaty between the Turks and the French, wherever it tended to affect our state and condition in the Mediterranean; and what was there in this that could be considered as wrong? What legitimate power had the Ottoman Porte and a French general to dispose of our interest in the Mediterranean? Now, upon the subject of the breach of faith, he would say a word. The order was, not that we should break the treaty to which we were no party, but to give notice that, as we were no party to it, there was no power to dispose of our interest. But, the moment we found that a convention had been assented to by a British officer, although the policy of it we disapproved, we sent directions to conform to it.

Mr. *Hobhouse* said, that if even a subordinate officer, who was entrusted with the direction of a particular enterprise, did what sir Sidney Smith had done, and entered into a convention which, strictly speaking, he had no power to conclude, many examples could be found, of cases

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in which the commander in chief thought himself bound to ratify what had been done, and in which government had ratified the consent of the commanding officer. But the fact was, that sir Sidney was armed with full powers to negotiate and conclude such a treaty.

Mr. *Wallace* said, that sir Sidney Smith had no powers to enter into any convention for the evacuation of Egypt. The French, however, chose to rely on the success of his interference, and they acted upon it. When this was known to government, it was thought better, in order to save the faith and the honour of the country from the slightest imputation, to consent to the execution of the convention.

Mr. *Perceval* said, that, supposing sir Sidney had had complete powers to enter into a convention for the evacuation of Egypt, he would still contend that there was no breach of faith on the part of this country. For, how did the business stand? The news arrived in this country, that there was some idea of a treaty being concluded between the Turks and the French, and at the same time that the state of affairs rendered it inexpedient for this country to accede to it. Upon this, government sent out orders to the commanders of its fleets and vessels not to take any part in it, nor to respect the French fleets and vessels in consequence of it. Lord Keith communicated these orders, not only to the Turks, but also to the French, on the same day; but the English did nothing to break the treaty; they committed no act of hostility. But the French, on receiving this communication, chose to break it themselves; and if there was any breach of faith, it was on the side of the French. But when government heard that the French had acted on the belief that this country would consent to the convention, it sent out orders not to ratify, but to respect it. With regard to the motion, he had never heard any one supported by less argument.

Mr. Jones consented to withdraw his motion, and to move, "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all letters from the commander in chief in the Mediterranean to general Kleber." Upon this, the House divided:

Tellers.

YEAS { Mr. Jones..... / Mr. Robson .. .. } 12

NOES { Lord Hawkesbury..... / Mr. Wallace..... } 80

So it passed in the negative.

Debate in the Commons on the Population Bill.] Nov. 19. Mr. *Abbot* said:—Sir, In rising to propose the measure, of which I have given notice, I am fully aware of its magnitude and extent; but it appears to me to be a measure of unquestionable utility, and its execution, as I conceive, will not be attended with any great difficulty, or any unnecessary delay. To me, Sir, it has long been a matter of surprise and astonishment, that a great, powerful, and enlightened nation like this should have remained hitherto unacquainted with the state of its population; the knowledge of which must be serviceable for so many important purposes of wise legislation and good government, and without which no country can avail itself of the full extent of its resources, or effectually and permanently provide for its wants.—But, Sir, in times like these when the subsistence of the people is in question, this knowledge becomes of the highest importance. It is surely important to know the extent of the demand for which we are to provide a supply; and we should set about obtaining it immediately, not only for the uses of the current year (for which it must necessarily come late), but also for the year that is to follow; a consideration inseparably connected with the former, and to which we are bound to look forward with all its possible circumstances. It is important also to obtain this information for the purpose of knowing whether one of the chief causes which, for the last thirty years, has made this country cease to export, and obliged it to depend for succour on its neighbours, is not an increased and increasing population; because this may fix our opinions not only upon the necessity of extending our scale of agriculture, but may serve also to show us the degree and point to which that extension must necessarily be carried; and if it be true that we have three millions of acres in this island fit for the plough, and hitherto uncultivated, we may see in what proportion we are called upon to render them most profitable for the public subsistence. And whatever

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the plan of permanent arrangement to be devised for preventing the recurrence of this evil, which his majesty in his speech has so earnestly exhorted us to provide against, the extent and nature of the population of Great Britain must form a primary object in all such considerations. —Assuming, therefore, that the measure which I am proposing is right in itself, and that the present times call upon us to carry it into effect, I will state to the House what lights we have derived from the transactions of former times to guide us in the subject before us, and what sort of results we have hitherto obtained, before I submit to the consideration of the House what appears to me to be the most adviseable course for our own conduct at present. Some numerations of the people of England appear to have been made in former times by public authority, but certainly with particular views, and for limited purposes. In the reign of Edward 3rd we have a subsidy roll for England, county by county, from whence the population of that period is estimated at 2,353,000 souls. In the reign of queen Elizabeth, the privy council called upon all the bishops for certificates of the number of families in their respective dioceses: and the population of that period is estimated at about 5,000,000. In the reign of James 1st the bishops in like manner certified the number of communicants and recusants; and the people are estimated to have amounted at the Restoration to 6,500,000. From these and other documents, such as the military musters, assessments, and parish registers, many private persons of skill and learning have estimated the people of England to have amounted at the Revolution to about 7,000,000. Some desponding men have asserted that the population afterwards decreased by a million and a half between the Revolution and the peace of Paris in 1763; although there is now good reason for believing that it had really increased in that interval by 2,000,000. And, strange as it may appear, even the best opinions of modern times, and each of them highly respectable, estimate our present numbers, according to one statement, at 8,000,000; and according to other statements, formed on more extensive investigation, and (as it appears to me) a more correct train of reasoning, showing an increase of one-third in the last 40 years, the total number now cannot be less than 11,000,000—As to Scotland, that country was estimated, I ought rather to say numbered very accurately, in 1755; but it was done by private inquiry; and that process has been since repeated with great industry, showing also a considerable subsequent increase, in that country, of about one-fourth within the same period of time. But in Ireland, where the means of calculation for this purpose have been more serviceable even than in England, the public opinion on the question, as applied to that country, is nevertheless still fluctuating to a very considerable extent. It is plain therefore, that all these inquiries and estimates, proceeding without authority, upon such imperfect data, have terminated (as might be expected) in nothing but unsatisfactory conjecture; and different persons reasoning even upon the same data, continue to give us very contradictory results.—This being so, it remains for us to decide what should be done by us. Unquestionably, in my opinion, we are called upon, by every motive of general policy, and still more by the urgent pressure of our present circumstances, to do as other great nations have done, and substitute certainty for conjecture, and instead of approximation have the fact. It was the policy of the famous De Witt, in his day, to reduce all these fundamental points to a certainty; and the merits of his administration, at least for the internal politics of his country, have been allowed by all men. In Holland, this measure has been again recently executed. In Sweden, a regulation to the same effect was established so long ago as 1749, and is still in force. In Spain, a complete census has been twice taken during the present reign; viz. on the years 1768 and 1787. In America, it was taken in 1791; and the United States have again directed the same process to be carried into execution upon a still more extensive plan. And why should this great and powerful country choose to remain in ignorance of its most important concerns, when by an instantaneous measure it can at once dissipate every doubt? —The means and the modes by which we may accomplish this object, appear to be obvious and easy; and I should propose to follow the course taken by this House in 1786, for obtaining information upon a point not foreign to this inquiry, I mean the poor rates. All that will be necessary will be to pass a short act re-

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quiring the resident clergy and parish officers in every parish and township to answer some few plain questions, perhaps four or five, easy to be understood and easy to be executed, which should be specified in a schedule to the act, and to return their answers to the clerk of the parliament for the inspection of both houses of parliament. From such materials it will be easy (following the precedent of 1787) to form an abstract exhibiting the result of the whole. This abstract may of course show, not only the total number of inhabitants in the whole and every part of the kingdom, but the proportion borne by the agricultural class to the other classes of his majesty's subjects; and by showing the increase or diminution of baptisms, burials, and marriages, from the latter of which, I mean the marriages, of which the registers are much more comprehensive, complete, and important, we shall have a correct knowledge of what concerns our increasing or decreasing demands for subsistence. And although we may find that an increased population adds to our strength in war, it is evident that it requires a vigilant attention to the means of supporting it.—Sir, let me ask, if parliament had thought fit in antecedent times to adopt this course, and if such a result as I have described were now before us, should we not think such knowledge most valuable in discussing our plans of present and future policy for the subsistence of the people? And unless we ourselves institute such an inquiry at present, we shall not only forego it to our own loss, but we shall also deprive those who are to come after us of the assistance which they might derive from the positive knowledge of our state, and still more from a subsequent repetition of the same measures, and a view of their comparative result. Entertaining these sentiments upon this most important subject, I move, Sir, "That leave be given to bring in a bill to ascertain the population of Great Britain."

The motion was seconded by Mr. Wilberforce, and leave was given. On the following day the bill was brought in, and passed its stages without opposition.

Debate on Mr. Tierney's Motion for a Committee on the State of the Nation.] Nov. 27. Mr. *Tierney* said:—I rise, Sir, for the purpose of moving that the House do resolve into a committee to inquire into the state of the nation. I think I see at this moment a desire on the part of ministers to evade all inquiry into the real state of those events which have contributed to our present distress, while at the same time I perceive, that there now exists a strong desire in the country to have these events investigated and explained. Ministers, Sir, have not been, for a considerable period, troubled by motions of this nature; since the year 1796, no regular inquiry into the general conduct of the war has been proposed; no attempt has been made to ascertain the true situation of the country. His majesty's ministers have had a trial of four years, with comparatively no opposition to their measures; they have, during that period, had the full disposal of the national resources, the absolute direction of the national strength. These they have employed in the prosecution of a war instituted for the avowed purpose of setting limits to the power and ambition of France; and the country have a right to know, whether the purposes for which their resources have been consumed, have been accomplished by ministers. What then, Sir, has been the conduct of the war since its commencement, and what consequences has it produced? What is the present state of our foreign relations in this stage of its progress? What has, in a word, been the fruit of all our exertions in the present contest? If any one desiring information on these topics listened to the speeches of the chancellor of the exchequer, he would be tempted to believe that the war had been successful to a degree unparalleled in the annals of this country. If, on the other hand, he heard the representations of gentlemen on this side of the House, he would suppose that it had only displayed a series of disappointment; and that the spirit of the enemy, which it was designed to suppress, had, instead of being weakened, acquired a new degree of force. If he allowed himself to be captivated by the glowing descriptions of the chancellor of the exchequer, he would imagine that the country was at the very height of prosperity; if he submitted his judgment to the statements of others, he would perhaps see reason to conclude that it now labours under the severest pressure of distress. It is surely strange that such contrariety of opinion should exist; but if it does exist, it is highly necessary to institute an inquiry.

On the subject of the success of the war, the right hon. secretary (Mr. Dun-

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das) has frequently asserted, that he was willing to meet any inquiry; he has gone so far as boldly to affirm, that the British arms had in no war been crowned with with more signal success, had in no war been distinguished by greater bravery or skill. Now, Sir, I will ask that right hon. gentleman, what has been throughout the contest the grand object of the war? Has it not been to curb the power of France? And taking this to be one grand object it had in view, let us endeavour to ascertain in what respect it has been affected. The best means of coming to a conclusion on this subject is, by examining the relative situation of the two countries at the time of its commencement and at the present moment. This inquiry naturally divides itself into two branches, as it respects those nations who were our friends, and as it refers to our original foe. As to the first, I will allow that the war has been in some degree successful. From the Dutch we have wrested their eastern settlements; but in return the French, by getting the country into their power, have more than compensated the loss. It appears fair to say, that there seems to have been a kind of compromise in this business, that France should seize on the country, while Britain occupied the settlements. As to Spain, we have been perhaps more successful, by acquiring the island of Minorca; and this is the extent of our success against those states which were formerly our friends. The state of our success against our real and inveterate foe merits a more particular inquiry. In prosecuting this inquiry, I think it necessary to state, that the right hon. gentleman, by taking upon himself the management of the public affairs, has taken upon himself the responsibility of all the measures which have been adopted. Of the unequalled success of our navy during the war there can only be one opinion, there can only be one conviction, that it has uniformly contributed to the glory and honour of the country: but I cannot speak with the same exultation which the right hon. gentleman has discovered when speaking of the army. I cannot admit that, under his directions it has been successful to a degree unexampled in former wars. I will not now speak of the American war, but will direct my attention to a war which must ever be thought of with exultation by Englishmen—the seven years war conducted by the right hon. gentleman's illustrious father. I think, Sir, that if filial piety ever prompts him to read the inscription on his father's tomb, he cannot be serious when he asserts that the success of the present war is unequalled. In order to ascertain the state of that war compared with the present, let us see what was the proportion betwixt the means which in each were afforded for success. The total expense of that war was 111,000,000*l.* and in eight years of the present war upwards of 200,000,000*l.* have been expended, at the rate of 25,000,000*l.* during each year. The success of the present war ought, then, to bear a due proportion to the sums which have been raised for its prosecution. If we next turn our views to the number of men employed, we see that the means for carrying on the present war have been also more ample than at the former period. The number of regiments then employed in all the different quarters of the world, was 128, which, allowing 600 to a regiment, formed a body of only 76,000 troops. But the number of troops now supported by the country is 139,000. With a force nearly double that which, in the seven years war, raised the British character to the highest pitch of glory, with an expense far more than double what was then incurred, what have we taken from France which she had at the beginning of the contest, and what alteration has taken place in the situation of the two countries? In the present war we have lost nothing; in the seven years war we lost only Minorca. We have in the present war taken Tobago, Newfoundland, St. Lucie, Martinique, with Pondicherry and other French factories in India. I will even throw into the scale of our conquests, the capture of Malta, though I do this gratuitously, both because it did not belong to France at the commencement of the war, and because the merit of the capture ought not to be ascribed to our land forces, but to the admirable dispositions which were made for the blockade by captain Ball. In the seven years war we took all Canada, Quebec, all Nova Scotia, Martinique, Grenada, Tobago, the Havannah, and Pondicherry, while at the same time we laid the foundation of our future greatness in India. Perhaps, indeed, the right hon. gentleman may wish to set in opposition to these, the late conquest in the Carnatic, the late destruction of the Mysore tyrant. But, does the right hon.

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gentleman mean to place in competition with the splendid achievements of lord Clive or sir Eyre Coote, the late events in India? Does he mean to affirm, that the acquisition of the dominions of Tippoo, which can be considered only as the conclusion of our former victories, is comparable with the solid foundation which was formerly laid for our power in that region of the world? In the extent of the conquest made, there is therefore no proportion between this and the seven years war.—But, there is another mode of determining whether the present war is entitled to rank so high as the right hon. gentleman seems disposed to assert. We know what was given up at the conclusion of the seven years war, and we know what the right hon. gentleman was willing to give up when negotiations were entered into in 1797. If peace had been made, we know that none of our conquests would have been retained; for the right hon. gentleman had consented, that every thing should be renounced except the Dutch settlements. After all the waste of the national treasure that had then taken place; after the loss of all the men who had previously perished; ministers were then willing to purchase peace by the sacrifice of all that this treasure, and the services of these men, had procured. Thus we have here a decisive mode of ascertaining, whether the war has secured its object; and we find that, after seven years of contest, we have not secured one end which we originally had in view.

In the seven years war, two expeditions were attended with circumstances which excited a wish for inquiry. In the one case, some decisive measures were adopted to satisfy the public; and in the other, a temporary disgust was excited: but what were these, compared with the circumstances in the present war which loudly call for inquiry? At an early period of the war, sir C. Grey and sir J. Jarvis took Guadaloupe and Martinique; yet, in a short time, the latter of these islands was retaken, because supplies were not sent to ensure its defence, and thus, by the misconduct of ministers, the services of meritorious officers were lost to the country. Under the right hon. gentleman's direction, Porto Rico, Ostend, and Dunkirk attest our misfortunes. There is hardly a yard of coast which has not witnessed the discomfiture of British troops; there is hardly a landing-place where a British fleet has not been stationed to bear off these troops from the scene of their disgrace, and save them from the consequences of their defeat. These, Sir, are circumstances which, in my apprehension, call aloud for inquiry. After all these disgraces, in the name of the people of England, I call for an inquiry into the actual result of the war. I call upon ministers to say, whether they have succeeded in repressing the power of France. Let the history of the last twelve months be considered, and let a conclusion then be formed, whether the British army has raised its military character, or whether it has incurred disgraces of the deepest dye? Was not a British army last year compelled in Holland to purchase by ignominious concessions that return which it was unable to effect by the sword? Not satisfied with this disappointment, did not attempts take place to effect a landing on the enemy's coast; and in all of these attempts were not the troops driven back with precipitation, or forced to retire without disembarking from the ships? Did not these same troops afterwards sail for Genoa, and did not their arrival take place at a time when the decisive battle of Marengo, had rendered their services useless? With a full complement of troops, with full confidence, and a full purse, why did these expeditions never arrive till the period when they ceased to be important? But, after the expedition to Genoa had been too late, what then became of the troops? They continued for a considerable period without having a single definite object before them. At length, another expedition is fitted out under the conduct of an officer, of whose talents no one thinks more highly than I do. With 12,000 troops, a descent at Ferrol is formed; and it is a fact not less wonderful than undeniable, that this body of troops landed, and, after having effected no purpose whatever, gravely returned to the ships. Now the detachment which arrived too late at Genoa joined them, and with united strength they made their appearance before Cadiz, then labouring under the scourge of a dreadful malady; and this expedition, like all the former, terminated in absolute disgrace. These events, Sir, have brought a stain upon the country, which nothing but inquiry can wipe away. For these disgraces the right hon. gentleman is responsible. If the guilt attaches to ministers, this inquiry

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may be eluded, as it was in the case of the expedition to Holland. But, Sir, the honour of the country will not be so easily satisfied. Throughout the army, there is a strong desire of inquiry—a strong conviction that they have been employed on service where no bravery however great, no talents however admirable, could ensure success—a strong detestation of the conduct of the right hon. gentleman, as the supposed author of these expeditions.

I shall, perhaps, be told of the glorious conquests in India as a sort of palliative to this general disgrace. I am willing to allow every degree of praise to the brave officers and men who effected these conquests; but when I think of our settlements in the East, my attention is naturally directed to Egpyt, as, in the hands of the French, affecting their security. When I speak of Egypt, two questions occur to my mind—by what means the French were enabled to get possession of it? and how they continue to possess it at the present moment? Without entering minutely into the first of these questions, I may be permitted to say, that it was a very singular circumstance that 13 sail of the line, with upwards of 300 transports should be enabled to escape without the knowledge of government. We every year vote a large sum for secret money; and what purposes more valuable could a part of this money have been applied, than in endeavouring to procure information on a subject so nearly connected with our highest national interests. The decisive victory of lord Nelson, did, indeed, in some measure, defeat the end of the expedition. But this gallant officer did not sail to the coast of Egypt by any orders from government, and therefore, they ought to claim no share of the honour resulting from the victory. I would ask next, by what means the French now hold possession of Egypt? They keep it, Sir, in consequence of the interference of ministers; who ought to answer for their refusal to ratify the deed by which its evacuation was secured.

I proceed now to state the effects which the war has produced on our external relations. At the beginning of this contest, we had for allies Spain, Holland, Sardinia, Naples, and the different states of Germany. Let gentlemen mark the changes which the war has produced. Prussia first became disgusted with the contest, and formed a system of neutrality, to which it has uniformly adhered. Holland, soon, after, unable to resist the shock of invasion, became the prey of the conqueror, and was annihilated as an independent state. Spain next was compelled to give way to the pressure of circumstances, and, from a feeble ally, became an impotent foe. Sardinia was over-run by the French army; and the states of Germany are at this moment possessed by French troops. Thus have our alliances disappeared, Portugal is almost the only state which remains attached to us, but, so far from being able to yield us any assistance, it looks to British aid for support, and Naples is threatened by invasions. Austria, it is true, has given us positive assurances of a determination to make no peace, but in conjunction with this country. When I recollect, however, that she broke through her engagements formerly, I cannot place much reliance on her present professions. It was not till the alliance was no longer of any importance, that Austria consented to receive our subsidy, and to come under a positive engagement not to make a separate peace within a time limited. When I consider the whole circumstances of the case, I cannot help thinking that the emperor was privy to the preliminaries of St. Julien. When I see an officer of character signing articles for peace, when I see him not flying from his sovereign as having been guilty of a crime, but boldly returning to demand their ratification, I am bound to believe that he acted by authority. Before I leave this subject, I cannot help adverting to the convention which was settled at Copenhagen, after the capture of the Danish frigate. It appears evident from lord Grenville's letter, that ministers were forced to lower their tone in this transaction, and dared not to insist boldly on a recognition of our right to search neutral ships. It is undeniable, from the face of the transaction, that a British minister, backed by a British fleet, had been able to obtain, not an express acknowledgment of this ancient right, but merely an agreement that the discussion should in the mean time be deferred. From what place did our ambassador, who had settled this convention, arrive? Did he not come from Petersburgh, after being subjected to the most extraordinary, not to say insulting treatment? Was it not clear that, in this instance, ministers could not interfere with dignity, and that the dread of raising up a northern confederacy had led

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them to submit in silence to treatment to a British ambassador and to British subjects which trampled under foot all the most solemn laws of nations? The mail from Hamburgh, of this day, not only destroys all hopes of the emperor of Russia joining us in the present war, but warrants a belief that he meditates the most formidable designs against this country. Already seventy English vessels have been seized in the port of Riga, and there is great reason to view this as a general confederacy against the naval greatness of this country. It is degrading to our national character, to think that these gross violations of law and of justice, cannot be resisted in a manly manner: such is the state to which ministers have reduced us. But there is another view in which this event is strikingly alarming—I advert to the effect it may have in preventing the importation of grain, in the present state of the connexion between all the northern powers. In this view of things it behoves us to consider that ministers have in all probability prevented the emperor from making peace, merely to have a pretext for including this country in the negotiation. Low indeed is England reduced, if she is compelled to adopt these measures to procure a peace. Altered most materially must be the haughtiness of ministers, when those who once despised peace on any terms but the restoration of the French monarchy, are now anxious to be admitted into a place in the assembly of negotiators—when they who formerly rejected with disdain offers of accommodation, now seek an opportunity to treat with the Corsican adventurer, "the child and champion of Jacobinism!" I am convinced, Sir, that if the voice of the people of England could be fairly heard, it would be for justice against ministers for squandering the public money: justice against them for having brought disgrace on the country by their shameful expeditions—justice upon them for having reduced the country so low, by their misconduct, as to be unable to resent with energy and effect the grossest outrage against the most ancient and sacred rights of nations.

In a motion for an inquiry into the state of the nation, it is impossible for me to omit noticing the many violations of the constitution which the measures of ministry have displayed. The arbitrary power granted to ministers by the suspension of the Habeas Corpus has been in many cases grossly abused. Persons have been arrested without any reasonable ground of suspicion: and, when there was not the least proof of guilt exhibited against them, they have been detained in prison during an indefinite period. I hold this to be a most tyrannical mode of proceeding, and that its existence ought not to be tolerated in a free country. The influence of the crown, in its present extent, I also consider altogether contrary to the constitution of this country. This influence has been used for the most pernicious purposes, for the ends of the most unaccountable profusion in the use of public money for jobs. There is one part of this influence which I feel myself strongly induced to state on the present occasion. Do gentlemen know that the army in India is supported at an expense equal to that of the whole army of this country in 1762? Do they know, that the right hon. gentleman (Mr. Dundas) holds a sceptre by which his influence is nearly equal to that of an independent sovereign?

I come now, Sir, to the consideration of the finances. The present severe pressure of taxation most particularly demands examination. I feel as much as any man for the sufferings of the poor, and would willingly contribute towards the alleviation of their distress. But I stand not up now to speak of the sufferings of the lower orders; but I appear as the advocate of that great body of the community who do not support themselves by their manual labour, but who have a certain rank to keep, certain appearances to preserve in society. It is the clergy, and the gentlemen of small fortunes, who have no means of meeting the increased demand by any adequate increase of wealth, on whom the present high prices most particularly press. The chancellor of the exchequer has mentioned with approbation a pamphlet, which is designed to prove that it is the tendency of war to diminish the prices of grain. I do not mean to enter into this subject at present; but I think it is very easy to show, that war must materially augment the price of every commodity. If this country depends on importation to supply the deficiency, it seems evident that, in the time of a war on the continent, the quantity that can be spared for exportation will be less than in peace: and that the difficulty of procuring it will be greater. In war there must always

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a greater waste than in peace. The quantity of provisions for the supply of the soldiers and sailors, is much greater than the same individuals would consume in private life. The whole system of regulation is such as not to admit of attention to economy. In estimating the causes of the scarcity, I am not disposed to ascribe any thing to increase of population, which, after making the proper deductions for absentees, the additional number of individuals employed on foreign trade, and other causes, cannot be so much as to produce any great effect in augmenting the demand. I believe the present high prices arise, in a material degree, from the depreciation of money. The reverend author of the pamphlet says, that taxes tend to diminish the price of commodities. I know, Sir, that in particular cases the influence has been experienced. When a sudden pressure of taxation produces a temporary stagnation of trade, the price of commodities will experience a temporary fall. This is, however, a very bad effect of taxation; since it lowers, to a disproportionate degree, the price of labour, and thus entails misery on the industrious part of the community. But it appears abundantly evident that, in general, the tendency of taxes is, to increase the price of provisions. If a new load is laid on the merchant, what is more natural than for him to raise the price of his commodities to meet the new demand? In this way, the increased demand circulates over the different classes, till it rests ultimately on that valuable class already mentioned, who have no means of transferring the burthen to others. The right hon. gentleman has done more, by his system of taxation, to destroy all pleasure and domestic enjoyment among this class, than he could have effected by any other measure. This system of taxation, so dreadful in its ultimate consequences, has an imposing appearance. Trade seems to flourish under its influence the public funds appear not to diminish in value under its operation. This, however, instead of being a matter for exultation, is a source of deep regret. This imposing aspect has enabled the right hon. gentleman to go on with schemes of profuse expenditure, which he could never otherwise have effected. But I cannot allow myself to be so far deceived by specious appearances, as not to attend to the ultimate consequence of its continuance, and, unfortunately, its continuance is likely to be perpetual. I consider the stoppage of cash payments at the Bank in 1797, as one of the most disastrous events in the history of this commercial country. No sooner was that fatal measure adopted, than credit and responsibility were gone; and henceforth, the introduction of paper money to an unlimited extent opened the door and paved the way to the most extravagant and unprincipled expenditure. It has broken down the ancient system of honest and fair trading, and, by imposing on the people for a moment, has sanctioned the introduction of a financial system, which, even at present, is generally oppressive, and, in the result, will be hard beyond endurance. To show that these statements are well founded, and that they are not the fruit of idle speculation, I will submit to the House some calculations which establish these conclusions in all their extent:

Total expense in money, of war concluded in 1763	£.111,271,995
Or per annum, on an average of 8 years	13,908,999
Total expense in money, American war	115,771,876
Or per annum, on an average of 8 years	14,471,484
Total expense in money, of present war, exclusive of Ireland, and Imperial loans, as far as can be made up, say	200,000,000
Or per annum, on an average of 8 years	25,000,000
Total amount of stock created (including advances to Ireland) Imperial loans, three millions from the Bank to be funded at 80, and 283,000*l.* Long Annuities, valued at 25 years purchase	275,739,425
Amount of stock created in the four last years	168,947,671
Amount of charge incurred for debt (including 1,000,000*l.* sinking fund) 5th of Jan. 1793.	13,325,000
Amount of permanent taxes created during the war	8,582,429
Tax on income for ten years (estimated to produce the same as in 1799)	5,800,000
Amount of new taxes, to be paid	

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for first ten years of peace	14,382,429
Estimated produce of tax on imports and exports during the war	1,250,000
Total amount of new taxes payable at present	15,632,429
Amount of exchequer-bills outstanding 5th January 1793 ..	9,478,000
Do. 1797 ..	10,048,000
Do. 1800 ..	20,360,000

PEACE ESTABLISHMENT.

Increase of peace-establishment, as stated by Mr. Pitt, in his 18th resolution, July 1800....	9,819,045
Add interest, and 1 per cent on 3 millions advanced by the Bank, to be funded at 80, as per agreement with the Bank	150,000
Interest, and 1 per cent on 6,136,000*l.* now actually, voted, say funded at 70	350,698
Actual expenditure of peace establishment for five years, ending 5th Jan. 1791, as per Report of the Select Committee	16,816,985
Peace establishment, exclusive of any charges to be incurred on winding up expences, arrears, augmentation of naval and military establishments, interest due by the Emperor of Germany, &c. &c. and exclusive of tax on income	27,136,658
Amount of nett permanent taxes, 5th July 1800	23,909.354
Land and malt, nett receipt	2,558,000
Annual Lottery, say profit	250,000
	26,717,354
Peace establishment, exclusive of income tax, or any increase, &c. &c.	27,136,658
To be provided for by increased produce of the present, or by new taxes	419,304
Lowest probable peace establishment, exclusive of any increase &c. &c. including amount of income tax, taken at the produce of last year	32,936,658

INCOME TAX.

Amount of 3 per cent stock, of which the interest is to be destroyed, and the principal redeemed by the tax on income, viz.

	Interest.
Created in 1798, £.16,000,000	480,000
1799 .. 19,250,000	577,500
1800 .. 21,195,000	635,850
£.56,445,000	£.1,693,350

Estimate, supposing each year's increase equal to the last.

	Interest.
1801 £.21,195,000	635,850
1802 .. 21,195,000	635,850
1803 .. 21,195,000	635,850

By the 32nd of Geo. 3rd, interest and 1 per cent on the capital, as a sinking fund, must be provided for all new stock created.

1 per cent on £.20,030,000 is	£.1,200,300
Interest on ditto	3,600,900
Charge of collecting tax on income as per estimate presented last year, about	150,000
	4,951,200

If, therefore, in 1803, the tax on income should not exceed five millions per annum, it will then become perpetual.

Total amount received from the produce of the assessed taxes, and tax on income, applicable to the service of the current year, for the years 1798, 1799, 1800:

1798 Assessed taxes, after deducting from gross receipts interest on 16,000,000*l.*	2,524,873
1799 Income tax, after deducting from gross receipt interest on 35,250,000*l.* and charges of collecting	4,592,500
1800 After deducting from gross receipt (taken to be the same as last year) interest on 56,445,000*l.* and charges of collecting	3,956,650
Total receipt of income tax, applicable to the war, for last 3 years	11,074,023
1801 Estimate of applicable receipt of income tax, supposing increase of interest on stock created and gross receipt of the tax as above	3,320,800
1802 Ditto .....ditto.....	2,049,100
1803 Ditto .....ditto.....	1,413,250
Probable amount of income tax, applicable to public service in next three years	6,783,150
Average amount of supplies for the war, voted in 1798, 1799, 1800, per ann. say	33,000,000
Average receipt of income tax, applicable towards said supplies, per ann.	3,691,341

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Average of money borrowed on the security of the income tax, in the same period, per ann. .. 10,833,330

He had thrown out these observations, that when gentlemen went back to their constituents, they might inform them what had been done. He left it to their candour to say, whether, after such a statement, they could feel themselves justified in what they had done? Whether they had done right in leaving the management of the war, the disposal of the army and navy of the country, and the character of England, in the hands of those ministers who had so mismanaged the trust reposed in them? Whether they could feel themselves justified in telling their constituents that they had done this without any inquiry? It was, he was persuaded, the opinion of every thinking man in the country, that a peace could never be made with France until his majesty's ministers were removed. It had been stated by the right hon. gentleman opposite, that a peace with France, as a republican government, could only be considered as a lesser evil compared with war. Could it be supposed, after such a declaration, that a peace could ever take place until either that right hon. gentleman and his friends, or the person whom they were pleased to call "the Corsican adventurer," had withdrawn; and yet, unless peace did take place, it would be impossible for that right hon. gentleman to go on. He had by reflection satisfied himself, that the mode in which ministers had gone on had been by the circulation of paper only—a system which, if persisted in, would endanger the tranquillity of the country. The House would choose whether it was better for the country to enjoy peace and tranquillity, or that the present ministers should continue in office: gentlemen must make their choice; they could not have both. If it was their opinion, that the present ministers were the men who ought to be employed, they were certainly right in supporting them; but they were wrong in not giving the country an opportunity of judging. He was of opinion, that the public must feel the evils which were the consequence of the present administration. If that opinion was ill founded why not convince the public at large, by an inquiry? He desired the House to consider, what was likely to be the effect of the burthens the people would labour under even after peace? Would they not, in all probability, produce considerable emigrations? He knew that men would do much for their country; that it must be the pressure of sufferings insupportable, that would drive a man from his native country; but, dreadful as the alternative was, it could not be expected that men would stay here, where they were forced to quit that rank in society which their fathers before them supported. It was not impossible but the calamities of the country might produce consequences even more fatal than emigration; but that emigration to a considerable extent would be the result of them, was scarcely to be doubted. Mr. Tierney concluded by moving, "That this House will resolve itself into a committee of the whole House, to take into consideration the State of the Nation."

Mr. *Pitt* rose and said:—Sir; the hon. gentleman, in the speech which he has just concluded, has gone over a most extensive range of argument, and indeed has extended the topics of discussion beyond the notice which he first gave of his intention. It seemed to be his original view to confine the object of the inquiry he proposed to move, to points connected with the high price of provisions. He talked of moving to have the governor of the Bank examined respecting the influence which the operations of the Bank and of paper circulation might have produced upon the price; but he has now abandoned these restrictive views; he has not mentioned a word of the examination of the governor of the Bank, and has thought it better to move for a committee of the whole house on the state of the nation, as best fitted to investigate that infinite variety of subjects which he has dwelt upon as the grounds of inquiry. It is natural, therefore, that the hon. gentleman's topics should be numerous. The question of peace and war; the operations of our military force; the conduct of those by whom they are planned or executed; our alliances; our financial situation; the state of our constitutional rights, though introduced by the hon. gentleman in a parenthesis; our internal circumstances, with which the dearness of provisions and its remedies are all connected, thus form the natural topics to which a motion, like that which has been made, must be directed. The hon. gentleman has said what is true, undoubtedly, of every important occasion in which this house is called upon to deliberate, that the eyes of the country are upon us. The

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eyes of the country indeed are most earnestly fixed upon us. They look with expectation, as they must feel the good or the bad consequences which result from our decisions. The measures in which the House has been occupied during the preceding part of the session have, in the highest degree, engrossed the attention of the public, and their hopes have not been disappointed. They see the attention of parliament directed to the consideration of the difficulties under which the community labours, and employing every practical remedy to alleviate their distress. I am convinced, too, that the people are well aware that those do most for their cause, and are most sincerely impressed with their sufferings, who confine themselves most closely to the immediate object of relieving the calamities under which they labour. I do not say that the whole situation of the country may not form a fit subject for inquiry in a committee of the whole House, if strong and conclusive grounds for it can be established. But I must contend that a committee on the state of the nation is that which, for the last hundred years, has very rarely been moved, and still more rarely complied with. The instances when it led to any practical advantage, are fewer still. It has indeed been employed in some urgent cases, where the topic of inquiry had a direct influence on the whole frame of the government. Such were the committee on the India bills, and, more recently, during the unfortunate illness of his majesty, when the question of the regency was to be determined. At present the only thing to be considered is, whether the circumstances of our situation be such as to demand that general inquiry which the hon. gentleman recommends, or specific investigations directly leading to practical measures.

With respect to the large and complicated question of peace and war, I believe that upon that, as upon every other point of national interest, the eyes of the people are turned upon parliament; but I do believe that at the present period they do not expect that they can form the subject of our decision, or of our discussion. I believe, that the general feeling of the House and of the public upon the subject of peace and war is, that the question is no otherwise changed since we were last assembled, than in this respect, that since that period his majesty has given the strongest and most unequivocal proofs of his sincere desire for peace: he has shown his willingness to make great sacrifices for the attainment of so desirable an object; and his efforts have been frustrated by the unreasonable and unexampled demands of the enemy, which have prevented the setting on foot such a negotiation. Under these circumstances, those who are anxious for the attainment of peace, if they want one consistent with the honour and safety of this country, will feel that the best way of contributing to that object will be to continue to place that confidence in his majesty's government which they have hitherto done; to strengthen his hands; and to teach our enemies, that the support which has been given to his majesty will be continued with that firmness and determination which has hitherto been attended with such happy effects. Having stated thus much, I think, upon these general grounds, it rests with the gentlemen on the other side of the House to prove, that when parliament is assembled for a particular purpose, and when the general state of things seems only to confirm us in the determination, with which we so lately separated, of supporting this contest with steadiness, it rests, I say, with the gentlemen on the other side to state what are the new grounds upon which they call upon us to inquire. When, Sir, I ask for new grounds, it may perhaps be a little uncandid with respect to the motion itself, because the greater part of the objects which the hon. gentleman has represented as calling for inquiry, are objects with respect to which it is impossible to give new grounds; for the House must have perceived, that most of the events to which he has alluded are such as he has had frequent opportunities (and the hon. gentleman cannot be accused justly of having neglected many of them) of bringing under the consideration of the House. He has frequently made them the subjects of motions, and stated them as fit cases of inquiry; and the House has as often had opportunities of expressing its opinion on these points. Thus every part of his argument respecting the conduct of the war (except only that part of it which relates to events which have happened since the month of July last) has been over and over again discussed and decided upon. I might, therefore, upon all these topics, unless the hon. gentleman had advanced something new which he certainly has not, have contented myself with referring to the former decisions of parliament upon them, when the

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events were still fresh in the memory of every one.—But, Sir, I confess that the mode of recapitulation which the hon. gentleman has employed, I cannot allow to pass without animadversion. The hon. gentleman begins with remarking upon a declaration of my right hon. friend, that the present was a war of unexampled success; but he did injustice to the assertion by omitting the limitation with which it was coupled, namely, that it was a war of unexampled success, in relation to the share which Great Britain had taken, and with regard to her peculiar interests. That my right hon. friend's position is strictly just, appears even from the admissions of the hon. gentleman. He allows that that part of our national force, that which he himself and his friends have extolled as the only service on which we should rely for defence, has been glorious and successful beyond any former example. Does not this prove, that in regard to the peculiar share of this country in the contest, it has been most successful? Why then, even upon the view of a joint war of various success, and embracing so many objects, does the hon. gentleman choose to keep out of consideration that part of it recognized to be our particular province, and implying an exclusive merit? How can he affirm that the war has been full of disgrace, when our navy, by his own confession, has acquired such unrivalled distinction? This then is the candour with which the hon. gentleman commences a motion for such various and extensive inquiry. But does the hon. gentleman say, that, on the general view which he takes, those naval exertions in which he exults have been attended with no advantage to the cause of Europe? Does he think it nothing to have completely destroyed the navy and commerce of our rival? Is it nothing to have protected our own trade, to have augmented our own resources, by the spoil of the enemy's possessions? But not to dwell on these clear and undeniable testimonies of separate success and peculiar advantage, will it be said that our allies have derived no advantage from the victories of the British fleets? If our military operations were even to be laid out of view; if we were to forget for a moment that our armies have, on different occasions, given the most important aid to the common cause; that they have never encountered in the field the force of the enemy without reaping their full share of glory; considering the benefits that have resulted from our naval exploits alone, have we had no share in contributing to the defence of Europe? Does the hon. gentleman recollect the achievement of the gallant lord Nelson, whose merit he so highly extolled? Does he think that, great as was our share of the glory and success of that gallant admiral's exploits, we engrossed them all? Does he think that the fame of the battle at Aboukir did not pervade all Europe? Does he think that it was partial in its effects, or fleeting in its glory? No! The fame of that day spread itself to the remotest corner of the globe. It added a new lustre to the British character, and inspired a new reverence for the British name; which I will not say the hon. gentleman's speeches, but not even the effect of any future calamity, can ever be able to efface. The noble commander deserved the panegyric the hon. gentleman pronounced on him. It was he that gave the direction to the bravery of his companions, and to the force with which he was entrusted, which carried so plentiful a harvest of glory to the country. But it is no derogation from the merit of lord Nelson, or from the zeal and courage of those who seconded his enterprises, to ask whose exertions made that fleet disposable? Was there no merit in supplying the means by which the battle of Aboukir was fought? The hon. gentleman asked, was not intelligence to be purchased? Might not ministers have ascertained the destination of the fleet that sailed from Toulon? To that species of foresight which determines by the event, there may seem no judgment requisite to weigh and to compare intelligence, and to draw a just conclusion from contradictory or doubtful information. Can it be forgotten with what unparalleled secrecy sir Roger Curtis was detached to the Mediterranean, on pretence of being sent to guard Ireland against threatened invasion; and that he had actually arrived there before his coming was suspected—before it was known in this country that he had gone thither? Does the hon. gentleman think that this vigilance and precaution had no share in producing that achievement to which he pays so just a tribute of admiration? It is impossible! It requires but the short enumeration I have made to draw from the hon. gentleman's admissions a testimony in favour of the vigilance and conduct of administration. Review our operations; let us consider whether they have been of advantage to Europe. Can it be forgotten how often our successes have

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animated our allies, depressed and discouraged, to new efforts in their own defence? How often have the achievements of our navy enabled our allies to combine new measures of resistance against the common enemy? How often has the greatest separate success been felt, and recognised as a new impulse given to Europe—as new courage and confidence to those nations who had the fortitude to bear up against danger, and to prefer strenuous resistance to dastardly submission? When was it ever known in the history of the world, that the exploits of a nation, limited by its insular situation to a certain sphere of operation, have produced such decisive results, and communicated such important advantages to remote and distant allies?

But the hon. gentleman says that the principal advantages we have obtained, in the view that he admits any advantages at all, have been at the expense of nations lately our allies. Are we to be told that the successes we have obtained over the Dutch and Spaniards are not to be viewed as acquisitions, not celebrated as triumphs? Is it nothing to have gained advantages over the vassals of France; over states that pusillanimously gave up their means and their resources to a power which they had not the courage boldly to resist? If the Dutch were forcibly converted into the allies of France, as I think they are, though the hon. gentleman on former occasions found it convenient to view them as willing ones, it might in particular circumstances have been disagreeable to direct against them the destruction of hostile operation. If they had boldly exerted the courage and perseverance of their ancestors in the defence of their independence — if they had demanded in vain the assistance of this country to combine its efforts with theirs against the enemy of their liberties, and those of Europe—if, as some of the hon. gentleman's friends advised, we had, in defiance of the sacredness of treaties, refused to fulfil our engagements—if we had refused to lend them our troops to fight by their side, as in former times, against these invaders, then might we have been accused of turning against them our arms, when acting in a compulsive hostility, which we had contributed no friendly assistance to avert. But when we saw those resources, which, if manfully drawn forth, would have secured independence, employed to increase the wealth and to support the hostility of France, were we to hesitate to deprive them of that which was to be employed to our annoyance and destruction? If the wealth, the resources, the naval and military resources of the Dutch were identified with those of France, who will deny that it was politic and necessary to prevent the possessions of the Dutch from being converted into instruments of hostility in the hands of their subduers, against a people who had disinterestedly exerted themselves for their protection?—The same course of argument was employed in regard to Spain; we were told by the hon. gentleman that we had rendered Spain, but little inclined to annoy us, an active and important ally of our enemy. Spain, he says, was our friend. Well! Did she not abandon us in defiance of the most solemn engagements? I do not recollect that, in the discussions which the subject of the war has so often produced, a single voice was ever heard in this House to doubt the pusillanimity, the want of faith, the atrocity, which distinguished the treacherous departure of the councils of Madrid from the cause of Europe. Never was there a single voice heard to doubt the justice of our warfare against a state, that basely shrunk from the ties of a generous confederacy to the degradation of a hollow alliance with the foe she detested. If then Spain, like Holland, ingloriously forsook a manly, though a dangerous struggle, and became the humble vassal of France, were we to allow the preponderance of the enemy to draw forth and embody against us all the means of Spain? Were we to see the navy of Spain united to that of France without an effort to disconcert or to punish that foul association? Can we forget that the only achievement of the French fleet, escaped for a moment from years of blockade, was to sail to Cadiz, and bring off, in triumph, the Spanish fleet, to be retained in Brest, partly as an hostage against Spain, and as an instrument of hostility against this country? And does the hon. gentleman think it provoking the Spaniards; that it is unmanly, unnecessary hostility, to prevent the remnant of the navy of Spain from being surrendered into the hands of the enemy—no less as a badge of the ruin and submission of that wretched kingdom, than as affording additional means to our rivals to execute their plans of inveterate acrimony towards the peace and prosperity of the British Empire?

The hon. gentleman ran over the catalogue of the colonial possessions we had acquired with a strange air of indifference, as

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if what he enumerated had been something too vile and worthless to dwell upon. I do not intend merely more than the hon. gentleman to dwell upon these points, though the consideration that it was a review of our triumphs, of the memorials of our glory, might render the survey not unpleasant or unprofitable. Martinique, St. Lucie, Tobago! And does the hon. gentleman really proceed through the enumeration with that sovereign contempt which he professes? I recollect that, in the last peace, in which I had some share, these islands in the West-Indies were supposed to have no small importance. The hon. gentleman was not then in parliament, and there is nothing of system or connexion in his opinion to lead me to conjecture what might have been his sentiments on the topics then disputed. But I remember well that some of those gentlemen, whom I have long been accustomed so see opposite to me, and one or two of whom I still perceive, particularly one hon. gentleman (Mr. Sheridan), whose accuracy will correct me if I am wrong, contended strenuously for the importance of these islands. St. Lucie alone was represented to be something equal in value to Martinique, which was called the key of the West-Indies. I know not, indeed, how their value may now have been sunk; though in all the circumstances which attended the last peace, the cession of Tobago alone was considered as a shameful abandonment of our national interests. Those who clamoured for that peace were, I confess, sufficiently disposed to object to its provisions after it was concluded. But notwithstanding, however, the situation of the country, and the circumstances under which the American war terminated, all authorities admitted the importance of those islands which the hon. gentleman now holds so cheap.—The hon. gentleman mentions Newfoundland as another of our conquests. Newfoundland we could not conquer, because we had not lost it; but we took the islands of St. Pierre and Miquelon. I need not, I am sure, Sir, inform the House, that the fisheries of Newfoundland have been for a century the constant object of rivalship between France and England: from the peace of Utrecht to the present time, it has formed one of the most important points in every negotiation; and one of the strongest objections to the last peace was, that the district reserved for our fisheries was not large enough; and therefore, Sir, I cannot think the catalogue of our conquests quite so trifling and unimportant as the hon. gentleman seems inclined to represent it.—May I venture to ask the hon. gentleman, whether the possession of Minorca is of importance to this country, though in enumerating our acquisitions it almost escaped his notice? The hon. gentleman did not indeed forget the capture of Malta: but he says, we must not mention it as an acquisition, because it did not belong to France at the beginning of the war. The hon. gentleman seems, indeed, to have set down a very extraordinary and whimsical regulation with respect to what we are to call acquisitions. He enlarges upon the injury which this country will sustain from the French being in possession of Egypt; but if it is an injury, surely our possessing Malta must be in our favour, either to facilitate our efforts for driving them out of Egypt, or to render their possession of it less disadvantageous to us. But mark the singularity and consistency of the hon. gentleman's argument; we must not take any credit from the conquest of Malta, because the French did not possess it before the war; yet the advantage which the French will derive from the possession of Egypt is strenuously insisted upon, though they were not in possession of it at the commencement of hostilities! But it is said that we have absorbed all the possessions of the Dutch. It is true that we have obtained possession of those places which, however little their intrinsic value to us, may be an object of great importance as the keys of the East. Will it be denied that, if ever the Dutch should again be disposed to renew that alliance with us, which in former times has proved no less beneficial to both countries than to Europe in general, it will be more advantageous for them to have those possessions under the guardianship and keep of Great Britain, than in the hands of France? We know that, in 1787, they would have been seized as instruments of annoyance to this country: they would now have been employed to the same purpose. We were bound by self-defence to anticipate the enemy's designs—we were bound to prevent the wealth and resources of the Dutch, the means of feeding their riches, from being transferred to the enemy by whom they were oppressed.

Reviewing, then, the circumstances and success of this war, with the events of former wars, even those to which the pub-

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lic may look with particular triumph, or individuals with a fond partiality, I cannot think that the present yields, in the importance of its success, to the most brilliant period of our history. I shall not compare it minutely with the glory of the duke of Marlborough's war, nor with the glorious successes of the seven years war. Its advantages have been as extensive as solid, and as important as any that ever were purchased by our armies. There is one point which I have omitted, and which the hon. gentleman nearly forgot altogether, and that is, the glorious success which has attended our arms in India under the direction of a noble friend of mine (marquis Wellesley) successes which have increased and consolidated our empire in that quarter of the world. The hon. gentleman wishes to compare what has been done lately in India with former achievements there: it is impossible to make the comparison. The noble marquis has performed every thing that could be done in the present moment. Will the hon. gentleman not admit, that the destruction of the power of Tippoo Saib was an event of the greatest and most important advantage to this country? Our conquests from Holland and Spain are to be laid out of the question, because they were our friends: but was Tippoo our friend? Was he forced by France into the war against us? Was he not in India, what France is in Europe, the inveterate enemy of the happiness, the power, and the independence of Great Britain? Was he not in alliance with France? Did he not act in concert with her in the Egyptian expedition, the importance of which he extols so much? Away, then, with such sophistries! they cannot have the slightest effect upon any man who has been a witness to the events which have happened since the commencement of the war.

I have now, Sir, stated my view of the general subject of the war. But there is another point of view in which we must consider it, and in which it must make a deep impression upon us; we are not merely to consider what we have taken from France, but what we have preserved. The hon. gentleman says, we entered into the war to curb the power of France. Sir, there is no end to the various definitions which those gentlemen give of the object of the war; but we know why we entered into it: we entered into the war because the French would not let us be at peace. We entered into the war because the French would not let us remain in tranquillity, unless we consented to sacrifice the independence of Europe, and the happiness, the safety, and the honour of this country. In the course of the contest, we have had to contend with great difficulties foreign to the war. One of these difficulties was such a one as we now experience, I mean that of scarcity: we had the misfortune four times in the present war to experience unfavourable seasons. We have had besides, to contend with convulsions in the mercantile part of the public. This subject was discussed at the time when it happened, and it was then found not to have been in any material degree caused by the war. We have had, I admit, to contend against reverses and disasters; and I will venture to say, that those who lamented over them because they disappointed their hopes and wishes for the success of their country, and those who lamented over them for the purpose of depressing the public spirit, were equally unprepared for, and little expected, that extraordinary and unfortunate turn which the affairs of our allies took at the opening of the present campaign. But having to contend with all these events, we have had besides, and I am sorry I am obliged to admit it, to contend with an undue performance of stipulations by some of our allies; with a dereliction of their engagement by others; with a complete violation of the most solemn treaties by others (as in the case of Spain); and with an unaccountable and unforeseen change of conduct in others, from whose exertions, however, in some periods of the war, we have derived the greatest advantage—I allude, now, Sir, to the conduct of the court of Petersburgh. We have had, Sir, all these things to contend with; but can they, with any justice, be attributed as crimes to this country? And is it nothing that, in a contest into which we have been forced against our will, we have preserved our empire undiminished, maintained our constitution inviolate, and decreased, or, as the hon. gentleman thinks, destroyed that spirit of Jacobinism which originated in, and has been supported by France? But this is not all: you have not only maintained your possessions entire, but have destroyed the maritime power, and taken the most valuable maritime possessions of your enemy; and in the course of all the changes and revolutions of surrounding nations, you have stood firm and even to the confederacy as you entered into it,

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and did not desert it in the hour of danger, or of peril, even while others were deserting you. Are these considerations nothing? Is it nothing that, having had to struggle, not for imaginary objects, but for our very existence as a free state, with our commerce marked out as an object of destruction, our constitution threatened, we have preserved the one unimpaired, and most materially augmented the other; and, in many particulars, increased our national wealth, as well as its glory? I say, it is thus the matter stands with regard to this country; and yet these are the topics, or at least some of the topics, on which the hon. gentleman chooses to say he has laid fair grounds before the House to call upon it to conclude with him (for so his motion would in its spirit indicate), that there is great misconduct in his majesty's government.

The hon. gentleman has taken a general view of the affairs of this country; and I shall, without being too minute, endeavour to follow him over the outline of his observations. Some of them I need hardly touch upon, because they have been the subjects of repeated discussions in this House, in various stages of the present war. On all those points which were discussed before parliament, parliament have determined; and were I to argue them, I could only expect to tire the patience of the House with unnecessary repetition: I need therefore, with reference to many of the topics insisted upon so vehemently by the hon. gentleman to-night, only remind the House of what it has already done, presuming that it will not now think otherwise than it has thought already, where no fresh argument, nor any new circumstance has appeared to alter its opinion. Many of the observations, however, of the hon. gentleman, although fallacious and inconsistent, I shall take notice of, not on account of their force, but of their extraordinary tendency. I hope the hon. gentleman used hasty words, such as may possibly escape a person in the heat of speaking, and that he himself considers the words that he used of that description—I mean the expression implying, "that he thought our honour was lost and our character degraded in the course of the present war, and that by the manner in which our army had been employed under the present administration." It will be seen, however, when the subject is inquired into—[Hear, hear! from the other side]—The gentlemen opposite are anxious to seize on a word which is employed to signify discussed—when the matter then is discussed, it will be seen to whom the blame of it is imputable, or rather, it will be proved that there is not the least foundation for the charges which the hon. gentleman has advanced. An inquiry is demanded; but is it possible that the House could listen to motions of this kind every moment some persons thought proper to bring a vague and general charge of misconduct? It is enough, that, on general grounds of argument and presumption, it can be shown that there is no necessity for supposing any thing wrong. It can never be the duty of this House to encourage such a disposition.—But the hon. gentleman is pleased to revive a phrase which was made use of by my right hon. friend, who, with all the excellent qualities which belong to him, is more remarkable for the accuracy of his plans than for the measure of a sentence, and that the more especially when he happens to speak of what relates to his own conduct. He did not mean to say, that he wished to enter into a minute inquiry into every plan which he has been concerned in advising; he meant to profess, what he felt, a readiness to defend the measures of administration, if any one had a desire to object to any part of such measures: not that he thought it would be right that the time of the House should be taken up in discussing all the measures of administration, one by one, until the whole was examined; that would be an endless task, although I am confident it would be triumphant to my right hon. friend. He was ready then, and so he is now, to defend his majesty's ministers in every measure adopted this war, provided somebody imputed any thing that was improper to us, and laid some ground which might call for an inquiry. I was therefore a little surprised to find such a construction put upon my right hon. friend's declaration as I have heard to-night, which was, that he wished from day to day to discuss all the measures of administration during the war. I should be glad to know what evidence it is of guilt for a man to deny a charge which is exhibited against him, and to argue upon the plain understanding of it, without any formal inquiry, which can never alter the facts that are obvious to all who see and hear? This is the common-place course with which loose charges of this kind are attempted, and have for the last hundred years been attempted to be supported upon these occa-

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sions; and they are generally maintained with a degree of vehemence in declamation, which is proportioned only to their weakness in point of reason. A loose, unconnected charge is made; and then, because those who are accused by it assign reasons why it should not occupy the time of the house, the party accused is immediately pronounced guilty.—I do not complain of this: the hon. gentleman has many precedents to plead in favour of this mode of argument, and I am not without some authorities on the part which I take in opposing him; neither is the hon. gentleman to take it for granted, that the public will think he is right, because he alleges that he is so; nor am I to expect a favourable sentiment in my behalf, on account of what I urge in vindication of ministers: the impartial part of the public will judge from the assertions of neither, but fairly on facts between both. Let it not be understood, that I admit there is any general rule to decide a question like this; all that the house can do now is, to consider whether they will say that what they have already done was wrong: that will be the case, if they go into a committee to inquire into what they have already determined; for that is the case in most of the points to which the hon. gentleman refers.

The hon. gentleman has alluded to former wars, not only as to the force employed in them, but also to the expense with which they were attended. In the first place, we should consider, that, as to the article of expense, that has been in a progressive state of advancement for the last forty years; it is found to be so in all the common and ordinary affairs of life, and therefore it would be an extraordinary thing if the expense of war, which consists in paying for articles of use in common life, were exempt from advancement more than other things are. The army and the navy are fed like other men, and most of the expenses of a military station are like other expenses, formed chiefly on common articles of consumption. But what is rather curious is, that the hon. gentleman says we have double the force we had in a former war to which he alluded, and yet he affects to be surprised at the expense being double, although, upon his own reasoning, the same force ought to be allowed double the expense. Such is the argument of the hon. gentleman, and that is what he calls a conclusive argument. The hon. gentleman thinks our present military establishment too much; and yet I have heard him, and those with whom he has been in the habit of acting, state with some animation, the prodigious exertions which France had made in the face of all the powers of Europe who opposed her. I have often considered those efforts of the French exaggerated pretty much in this house; but I always thought, and I have never attempted to disguise it, that France, from its very state, unfavourable as it was to any useful purpose, had advantages over others in the way of raising forces for the support of the war. The whole of their revolutionary policy was well adapted to this end; and now, although the objects which were pretended to be in view from that revolution are gone away, yet it possesses that strength in a considerable degree for the purpose of violent efforts. For the violent principle of taking, without regard either to justice or to policy, still remains in full force; they are still in a state to lay violent hands on any property they can find, for the purpose they want; and men they put in requisition wherever they are wanted. This has made me feel, and I have repeatedly said, that, in respect to sudden efforts to gain their object by force, they have an advantage over every legitimate government in Europe; and therefore it is not a matter of wonder that their exertions have sometimes surpassed any that were made under the reign of Louis the 14th. But although this be the case, will any man tell me, that, because France has such means of making great exertions by violence, we, having to contend with such an enemy, are culpable because their violence is gigantic; and that it must be said that our affairs are ill-directed because we have not had twice the success we had in former wars, since we had twice the force we had in a former war? All this is insisted upon, as if the French force was not at all augmented; whereas the very arguments of the hon. gentleman, and indeed all others on the same side with him, have always had for their basis the tremendous force of the French. It is then asked, what have we done in the present war? I would answer, "You have given your enemy considerable annoyance, and might have done more, if others had adhered to the cause as you have done." There was a time when, if the combination had in all its parts been as true to its profession, and as steady to the general interest, as it is your glory to have been, you might have

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made, in conjunction altogether, a formidable attack in the interior of France—there was a time when, in my opinion, that might have been done; but it did not happen that the opportunity was seized as it might have been: what then? It will hardly be said that the fault of neglecting it is imputable to his majesty's ministers. Why then, under these circumstances, and in this condition of things, I would ask, what other object had we to look to, but that of endeavouring to diminish the force of the enemy? I do not mean to dwell on this point now, because it is one which the hon. gentleman did not dwell upon in his opening, and I am unwilling to take up the time of the house in the discussion of matters which are not insisted upon as those which require to be discussed. But the hon. gentleman says, that so many thousand British troops went upon an expedition, and so many thousand British troops returned. Now, upon that point I have to observe, that if you have in view an object which you have reason to conceive you are competent to carry, which it is important for you to carry, which by good information you are led to believe you could carry, or upon a full view of which there is a chance of success, and that there appears no great risk, and yet you find upon trial you are not able to succeed in your point, but can nevertheless, after all, retire without loss, I want to know where the great blame is that ought to attach to you for such a proceeding, or wherein is the folly of your conduct? This is the utmost that can be said against any thing that we have undertaken; and this I am ready to maintain in the presence of any number of military men in Europe. It is not a point of military tactics, but of plain common sense; and I have mentioned this, because I could not avoid feeling a little on some of these points. As to the merit of any measures which may have been adopted by his majesty's ministers, I feel it does not become me to say much: whatever that merit may be, a very large share of it falls to the lot of my right hon. friend; but if there be any thing to blame, I have only to say, I will not admit that all the responsibility shall be exclusively cast on him. If there be any ground for criminality or for censure, I beg leave to say, that it must be divided among his majesty's ministers, and that I am ready to take my share: and therefore the hon. gentleman will do well not to select my right hon. friend as an individual against whom to direct his objections. I wish the public to know, that it is not to one individual, but the whole of his majesty's councils, that censure or applause should be given for any measure that may come before them to be judged.

The next point I shall take notice of, as brought forward by the hon. gentleman, is the state and condition of our allies. He has asked, what were our allies at one time, and what they are now? I consider this as a very important point. He has said, that we set out with Spain and Holland for our allies, together with a favourable disposition towards us on the part of Russia, whose court had expressed a strong desire of a just conduct to be observed towards neutral nations, together with a determined hostility towards France. Prussia and France were engaged in war before we became parties in this contest. Prussia was ready to enter into an alliance with you when you were, I will not say led, but forced into the war. I will not dwell on the conduct of that power, but I would ask, in what part of the government of this country was there to be found any blame for the steps which were taken by Prussia upon the occasion? That power stopped short, and got out of the confederacy on a sudden; but how was that imputable to us? The hon. gentleman laid great stress on this: and asked, on whom we were to look as a perpetual ally? But if none of them are to be regarded, the fault is none of ours; we availed ourselves of their assistance while we could have it: if they have been less attentive to their own interest than we have been to them and the common cause, the blame is not with us; we did not, nor had we the means of entering into their speculations; our object was to preserve good faith, and we did so; and if any of them at any time wavered, the concern is theirs; as to the question of honour, ours is entire. I would ask, whether any man now doubts of the propriety of our availing ourselves of the aid of Austria and Prussia while we could obtain it? As to Spain, I have said already what I think of the shameful dereliction of that court; but that power is now in a condition that renders it very improbable that its hostility can be important to this country. In a word, as far as the question of alliance is applied to us, we have the satisfaction to feel that we have more than once rallied all the powers of Europe to make efforts in the common cause, to which we have con-

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tributed an ample share, and kept good faith inviolate. This is the real state of the case.

There is one objection which the hon. gentleman has stated to the conduct of his majesty's ministers, and I admit, if there is any ground for it, they ought not only to be censured, but this House ought, without, any delicacy or apprehension for the present condition of things, to address his majesty to dismiss them from his service at once; that his majesty's ministers form an obstacle to the attainment of a safe and honourable peace. That we are to look for this, more from ourselves than from our allies, is unquestionably true; but what peace is it that we are to make? The hon. gentleman says, we have no security with regard to our allies: let us suppose for the sake of the argument, that we have not; what then is to follow? That we are to try to obtain peace at all events? Shall we tell Buonaparté that we have no confidence in our allies, and that therefore we wish to treat with him for peace? I say, No! I say, if I had no confidence in our allies, I would not make that humble supplication for peace. I would at worst put forward the best resource of this country to maintain the contest until we should be able to obtain a safe and honourable peace; and I am persuaded that cringing for it is not the way to obtain an honourable peace. Having said this, I will add, by the way, that when gentlemen talk of peace, I cannot persuade myself they mean any but a safe and honourable one; and yet to bring forward into debate, in this House, topics which are calculated to impress upon ourselves at home, and our enemies abroad, an idea that we are distressed, and that we distrust our government, I cannot help thinking is a mode but ill adapted to the accomplishment of that object. It was indeed if the House adopted this motion, the way to make the people distrust, and our enemies despise, our government. As to the conduct of our ally the emperor, I will repeat what I had occasion to state on a former night. I said, I had no idea, that, previous to the battle of Marengo, there was any intention on behalf of his imperial majesty to enter on a renewal of negotiation with France separately and distinctly. I did distinctly state, that at and from that period the first consul of France made some proposals for that purpose; that previous to the battle of Marengo, there was a proposal made to his imperial majesty, but that there was not any disposition shown in the whole of that time, in the court of Vienna to make a separate peace. I do declare that I believe we have the whole intelligence that belongs to that subject, nor have I the least distrust of the sincerity of his imperial majesty in refusing to enter into a separate negotiation. Since that time we have assurances from the court of Vienna, of the most rigid adherence to the same principle of refusal to enter into a separate negotiation, and to pursue the same plan as that on which that refusal was founded. I stated this the other night to come up to the 4th of November; I am able now to carry the same intelligence to a later period by a few days, that is, up to the 9th of November. I have no reason to distrust the sincerity of the professions of his imperial majesty, as conveyed by that intelligence. So stands that part of the case upon our alliance with Austria. But I know also, that great and extraordinary exertions have been made. I should add, that I will not make myself a guarantee for what may hereafter happen I will not be answerable, for I cannot prophesy what new events may happen, or whether any or what overruling necessity may change either the conduct or the councils of the court of Vienna. I can only say that as far as I have known, and I have no reason to distrust my information, the court of Vienna is hitherto explicit. If I should be disappointed in my expectation, I can only say I cannot help it; but hitherto I have no reason to think I shall. The question therefore is, what is prudent for us to do in the prosecution of this contest? I say the wisest course we can take is, to preserve the character that we have for honour and good faith, on which may yet depend the safety of Europe.

I should now come, in order, to the parenthesis of the hon. gentleman on the state of our constitution. But, first, for the sake of connexion on the subject of our allies, I will say a word or two respecting the emperor of Russia. Concerning the embargo, to which the hon. gentleman has alluded, though I have received no information on the subject, I am disposed to believe the intelligence true; particularly as we know that not long ago a similar measure was adopted; an embargo was laid on and taken off in a few days—a circumstance by no means

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unlikely to take place on the present occasion. Whatever may have dictated this rash and precipitate step, this much I can say, that nothing on the conduct of this government ever gave any cause why the magnanimity of the emperor Paul should so suddenly have been withdrawn from the confederacy in which his co-operation must have been attended with so much benefit to Europe; and that no ground of difference has ever existed between the two governments in any points, upon which any variety of opinions can take place in this country.

And now I come to observe upon the state of our constitution, as it was alluded to by the hon. gentleman. It is a point on which I feel it would be improper for me to say much, for it has been discussed over and over again in this House. I contend that provisions have been adopted for the preservation of the constitution which, but for such provisions, would have been destroyed, and the hon. gentleman would not to-night have been in this House to expatiate upon these topics, nor should I have been here to answer him. As to the influence of the crown, I will only say, that its increase is a topic often resorted to for the purposes of declamation; but I can hardly think that any man ever seriously regards it as matter for alarm; but even supposing it to be increasing, which I deny, there certainly is no necessity for going into a committee of the whole House to consider of the state of the nation; in order to consider of that subject, there is, if necessary, a much more compendious way of arriving at it. The next point to which the hon. gentleman adverted, was that of the statement of finance and the internal state of the country, particularly the price of corn. As to the corn, I find the hon. gentleman wishes to inculcate this as an established principle, that the war is the principal cause of the high price of provisions, for which he stated three causes; the increase of the consumption, arising from waste partly of the army and navy; the increase of expense, from importation, and the influence that the issue of paper has occasioned, which has arisen from the stoppage of the Bank from payment in specie. These were the points, and the last was the principal one on which he dwelt. Now, upon each of these I shall make some general observations; but as I did on the first day of the session, so I shall at the present moment, avoid detail upon these topics, partly because a minuteness in general is dry and tedious, and partly because I speak in the hearing of many who have better judgments than I have, especially on the subject of paper money. The preliminary observations are, that there is waste in the consumption of the army and navy; there is great expense in importation from abroad; and there is a depreciation in the relative value of the circulating medium by the increase of the paper. First, I will observe, that all these causes are not peculiar to the present year; for, many of them have been stated to exist in as great, and some of them in a greater degree than they do at present. In the years 1798 and 1799, we had a greater number of military forces than we have at present; and as to the stoppage of the payment of the Bank, that stoppage has taken place for some time, and the difference between the paper circulating medium of that time and the present is very inconsiderable. As to the taxes, which are supposed most to operate to raise the price of articles, there are none of them that bear hard upon the farmer, and can therefore have no immediate effect on the price of corn. None of these can have been the great cause of the high price of provisions, because, when these were at their height, provisions were infinitely cheaper than they are at present; nor can the war be the cause of the price, because the taxes have been felt as severely as they are now (within about 400,000*l.* which was added last year), and yet the high price of provisions was not known when all these causes operated.

Here Mr. Pitt took a view of the beneficial effects of the land-tax redemption bill, the operation of the sinking fund, and the policy of raising supplies within the year, as had been done by the assessed taxes and the income bill, which he considered indeed as a solid system of finance, but which he did not apprehend would become perpetual in time of peace, as the hon. gentleman had stated, for it was capable of modification as it now stood; and it would perhaps be prudent, after a given interval of peace, to relax its present exaction; it would otherwise in some respects change its character, being only a war tax: however, opportunities would occur hereafter to consider these topics. As to exchequer bills, he had to observe, that they ought not to be considered as currency, except such of them as were of short dates. It was

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much talked of, that the exchequer bills were a mass of paper which was injurious to the public; but this year they had been circulated at a premium, instead of a discount, which they usually were at; this, he contended, proved beyond dispute, that the market was not, as the hon. gentleman contended, overstocked with a circulating medium, for if that were so, these bills could not possibly be at a premium, they must of necessity be at a discount; from these points the hon. gentleman had given a general state of the finance of the country. He did not conceive that this was a time for going into a minute detail upon this subject; and he thought the House would feel no difficulty in deciding that it was not necessary to go into a committee on the state of the nation, in order to inquire into these things; for many of them had already not only been discussed generally, but particularly, and very much in detail, in a committee of the whole House; various resolutions had been founded on them, and there had not been offered in this discussion any thing that ought to change the sentiments of the House upon the subject.—But the hon. gentleman had made one observation which merited particular attention; he had stated, by way of alternative, that either the present system must continue, and the bank payment in specie remain suspended (which he said would by-and-by ruin the country altogether), or else the Bank should resume its payments in cash, and then it would be impossible to continue the contest. Now, this was a dilemma in which he hoped the House would never find this country. He hoped and trusted that we were neither reduced to the one nor the other of these two points, but that we should be able to continue that system by which we had hitherto avoided danger, and that we were far from being under any necessity of changing it: nor did he believe the House would adopt any such doctrine as this; they would, on the contrary, explode it, for the tendency of it was to proclaim to the enemy our inability to continue the contest, in which our existence as a free nation was at stake. A feeling was always ready to manifest itself on the consideration of this subject, which required no aid from the eloquence of any man; the bare statement of it was sufficient. In one word, the motion of the hon. gentleman contained a naked proposition, which was this—"Whether the House would now, without reason, abandon a proposition which they had so often, and with the best reason, adopted, and uniformly acted upon?" As to the calculation of the probable expense of continuing the war, he should not now go into it; he was of opinion that it could not be materially different from that which attended it the last year; nor was this any thing of a reason for going into a committee on the state of the nation.—I therefore submit, Mr. Pitt continued, that, upon the whole of what has been laid before the House to-night, I have said enough to satisfy it, that upon none of the grounds stated by the hon. gentleman is he justified in calling upon this House to institute an inquiry into the state of the nation; that much of what the hon. gentleman has stated to-night arises out of matter which has been discussed over and over again, and well decided; that his facts are misplaced; and that, as far as he proceeds on reasoning, his reasoning is fallacious; and therefore do I conclude, that there is no just ground laid before you for a committee to inquire into the state of the nation. That is the general ground of opposition which I state on the one hand:—on the other, I say that the internal state of the country requires your attention in a special manner to other topics, and that your time ought not to be consumed in unnecessary discussions upon points which lead to no practical conclusion; that you will have a committee up stairs, which will take due care of the most immediate interests of the country at this important crisis; that this motion leads to no immediate or remote advantage; that it may do mischief, by holding out encouragement to the enemy, and by causing a diffidence, if not despondency, in the people of this country, by teaching them to suspect that there is something in the state of the nation which is alarming, for which there is no foundation. For all these reasons I give my decided opposition to this motion.

Mr. *Thornton* said, that allusions having been made to the paper circulation of the country, and it having been insinuated that the Bank of England had increased their notes to an amount which would not have been done if the Bank had been obliged to pay in specie; and also, that this increase had affected the price of provisions, he felt himself called upon to state what that increase had been. First,

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he would say, that the amount of bank-notes in circulation in the years 1797 and 1798 did not exceed the average of those issued in 1790, 1791, and 1792. Secondly, that the highest number issued in the present year did not surpass the amount of those issued in the former periods by more than one-fifth. The interest of the national debt payable at the Bank was more than doubled within the period alluded to, and the exports and imports were increased more than one-third. This augmentation, therefore, was absolutely necessary for the circulation of the country. He was of opinion, that the issue of the Bank paper could not have effected the price of provisions; and he did not think the issue of other paper had done so.

Mr. *Grey* said:—It is under considerable embarrassment that I rise to reply to the long and able speech of the chancellor of the exchequer. The right hon. gentleman has urged his usual objections against an inquiry; it can only, he says, be productive of inconvenience: it must obstruct the course of public business. The right hon. gentleman has stated two cases, when a particular conjuncture of circumstances called for and justified an inquiry into the state of the nation. I also recollect one when an inquiry was moved for, and when the right hon. gentleman took a prominent part in supporting the motion. I allude, Sir, to the conclusion of the American war. At that period the right hon. gentleman pressed for an inquiry on the general ground of its necessity. In so doing he strictly adhered to parliamentary usage, uninfluenced, no doubt, by any improper motives. But before I proceed let me ask, if our present situation is not one of difficulty and danger, much more alarming than that which took place at the end of the American war? Yet at that period a committee, such as is now moved for, was deemed necessary; and at the present will it be refused? Most likely; for the right hon. gentleman has thought proper to repeat the assertion, that the war has been a war of unexampled success. Yet never was there an assertion made more revolting to the feelings, or more insulting to the understanding of the people. In justification of that tone and triumph, the right hon. gentleman enumerates his conquests—the capture of St. Lucie, of Martinique, of Tobago, and the dethroning of the perfidious Tippoo. He next accuses my hon. friend of passing over, in ungrateful silence, the splendid achievements of the navy. This accusation I cannot help regarding as unfounded; for my hon. friend gave full credit to the courage, the skill, and the discipline of the navy. In that tribute I cordially join with him. On the conduct, spirit, and discipline of the army I am likewise ready to bestow a due tribute of praise, although their exertions have not been crowned with the same success. But I am also prepared to say, that whatever may have been our naval successes during the war, they cannot counterbalance the disasters we have sustained. It may continue to be called a war of unexampled success; but facts will show it to be a war marked by a supereminent series of disasters. What! after ten campaigns, which are boasted to have been so successful, is the country reduced to its present situation, which, with Swift, I must liken to a sick man dying with the most laudable symptoms? If, in spite of its flourishing revenue, its extended commerce, its unexampled successes, the nation is plunged in greater difficulties and distress than almost at any other period, what, Sir, can I do but exclaim, "At tu victrix provincia ploras!" And here I must ask, whether the statement which the right hon. gentleman has given of the conduct and events of the war, any thing that argues fairness and candour? He asserts that our separate success during the war is unexampled. Will all his colleagues join in this assertion. Will the right hon. gentleman (Mr. Windham) assert, that the advantages gained by the war are equal to the dangers to which the country is now exposed? If he does, according to what rule does he measure our success, by what criterion does he attempt to ascertain it? The mode adopted by my hon. friend I think the best, and therefore I adopt it. According to him, the fairest way of estimating our success is to compare it with the object of the war. If we have failed of attaining our object, how can we pretend to be successful; or what is in reality a successful war? In order to form some just notion of it, I would go back to the history of the five last wars in which this country has been engaged. The two first were carried on nearly on the same grounds as the present. The first was engaged in by king William, to reduce the power and humble the pretensions of

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France. Under his wise and able administration that war was followed by a peace that very nearly attained the object of the contest. King William's right was acknowledged, the provinces called the Re-union were restored, and, upon the whole, the issue of the war might be regarded as successful. The next war was undertaken to prevent the union of the crowns of France and Spain. This object was also accomplished. The pretender was compelled to quit France: we were reinstated in our colonial possessions, &c. This, then, may also be styled a successful war. In the war of 1740, if England gained nothing, at least she lost nothing and the peace replaced her in *statu quo ante bellum*. The war conducted under the auspices of the right hon. gentleman's illustrious father was not a war, the successes of which were gaudily emblazoned in figures of rhetoric, or puerilely celebrated with the rattle of high-sounding periods; but a war, the vigorous prosecution of which increased our prosperity, and added to the national glory. These, then, are wars that may justly be called successful; and if we compare them with the present, what will be the result? What was the object of this war? The extinction of Jacobinism. Are the Jacobins exterminated? So far from it, is not the right hon. gentleman humbled to the necessity of treating with that very man whom he denominated "the child and champion of Jacobinism," the wild enthusiastic supporter of its power, and the gaudy puppet of its folly? Has the right hon. gentleman diminished the power or checked the ambition of France? Look at the projet which he himself has proposed to the chief consul, and say whether the object of the war is attained. Holland was to be rescued; she is still a vassal of France. Belgium was to be wrested from France: we now consent to leave her in possession of it. The dignity and honour of the country were to be proudly asserted and maintained; that dignity and that honour are degraded to the dust, and our sufferings and humiliation are such, that it is difficult to conjecture to what we may not be compelled to submit. Behold the fair fruits, the trophies of a war which is unblushingly asserted to be crowned with unexampled success! How minutely have we fulfilled its object; Holland, Belgium, Savoy, are abandoned to the enemy; they establish independent republics in Italy; they insist on fixing the Rhine as the boundary of France, and the claim is admitted. To state the issue of the war in one word, may it not be said, that by this our unexampled success, we shall surrender every thing that the confederacy formed by king William, and queen Anne, and the exertions of the right hon. gentleman's father, were directed to maintain; and that we shall hereafter have to contend with France strengthened by an accession of power which all these wars had been undertaken to prevent? Who will pretend to say, that if peace were to be looked for to-morrow on any probable terms, it would tend to raise the dignity and exalt the glory of Great Britain? But here I am answered by the gentlemen themselves. What did they say when they attempted to negociate at Lisle? They treated, because the country in general earnestly called for peace; but they treated, sensible of the dangers of peace, and therefore could not be sincere in their attempts. But the right hon. gentleman contends, that he has reduced the power of France. He makes a proud enumeration of his conquests, and magnifies the importance of Martinique, St. Lucie, and Tobago. As to the relative value of these islands, opposite opinions prevailed. Some looked upon Martinique, others upon St. Lucie, as the more important acquisition; but most now concur in representing Martinique as the key of the West India islands. Then, what must be the success of that war, when so much importance was attached to the surrender of that island? Now, if we but feel the effects of this war and the dangers and difficulties that thicken on the country, to what must our situation be ascribed? If in spite of the ablest management, if in spite of the wisest councils, we are reduced to such a situation, can there remain a hope of our being extricated from it? If the right hon. gentleman had proved that all this wisdom, and all this vigour have been exerted, and that whatever of disastrous fortune has befallen the country should be placed to the account of accident, then I confess there is no room for inquiry. But if it does not appear that such a train of calamities have proceeded from accident only, would not the House do well to inquire into their real cause? The right hon. gentleman does not hesitate to say, that the British armies have never been employed but with effect both for the honour and

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interests of the country. What effect did they produce in Holland? They incurred disasters if not disgrace. If ever an inquiry was to be instituted, surely, it was when a greater army than ever was employed abroad before, had, after repeated repulses and one defeat, evacuated the country in virtue of a capitulation with an inferior French force. I will not pretend to say where the fault of that miscarriage lies; but I must say that this, and the shameful expeditions against Cadiz and Ferrol, were as foolishly contrived as they have been miserably conducted. Yet, after all these repeated failures, there is to be no inquiry. Now, Sir, a word on the present campaign. The right hon. gentleman asks us, what we would propose to have done? Would we recommend an attempt to penetrate into France? We have neither the materials nor the necessary information to guide any advice on that point; but when the right hon. gentleman convened parliament so early last year, and when so large a force was placed at his disposal, what did he propose to himself? Was not that force intended to operate as a diversion? I do not pretend to say it was, not being in possession of due information; all that is evident is, that with that immense force ministers have done nothing. But they tell us, they could not foresee the battle of Marengo, or its fatal consequences. Why? because they indulged fond hopes that rested on no solid foundation. Had they not observed the struggle which France had made in 1799, and might they not conceive what France could do under the guidance of such a man as Buonaparté, and with the efforts which such a government as that he had established was capable of exerting? No, they foresaw nothing. They did nothing, and therefore to them in a great measure may be imputed the disasters that befel Austria. They should have had our army on the coast of Italy; they must have felt the importance of our co-operation with Austria; for that purpose they had raised an army—but they had suffered the favourable moment to escape, and the prize to be snatched from them. Will they now tell us why general Abercromby was not in Italy before the 14th of July? The neglect in this respect is a serious charge against them: they should have been ready to act at the commencement of the campaign; but as they neglected the means and the moment, the misfortunes that followed the battle of Marengo are justly imputable to their ill conduct. When, therefore, the proofs of this misconduct stare us in the face, shall no inquiry be made into the causes of all those failures, which become doubly dangerous from the peculiar circumstances of the moment? Here again it may be said that I am falling into despondence. No, Sir, I wish to look our situation in the face, I am anxious to see our affairs entrusted to the guidance of more capable hands; for without more auspicious councils, our situation is desperate. With regard to our alliances, much also has been said; but the loss of our allies is likewise ascribable to the misconduct of ministers. While the confederacy was whole and entire, they might have negociated with effect; it has now melted away in their hands, and they have lost opportunities that may never recur. Another effect of this successful war may even be, that, instead of having a confederacy to act with us, we may soon have a confederacy to act against us. The Emperor Paul is no longer our ally, though, if care had been taken, his secession might have been prevented. Such are the accumulated calamities to which we are exposed; and will the House hesitate to inquire into the causes that produce them, or the means by which they may be evaded? Besides, all these misfortunes are dearly purchased—they have added during the period of eight years, a larger capital to our debt than all the wars for a century before have cost the nation. Can, then, such a system go on, without bringing with it our total ruin? My hon. friend has alluded to the sacrifices which have been made of the constitution: they are great indeed—almost as great as those of men and money, which have been given to ministers, without measure. The laws, the liberties of the country have been laid at the feet of the right hon. gentleman—and what has been the return? All these calamities cannot be retrieved but by a change of system; and as the motion of my hon. friend may lead to that change it shall have my most cordial support.

Mr. *Canning* said, that the hon. gentleman had certainly misunderstood what had been stated by his right hon. friend with regard to the usage of the House in granting inquiries. His right hon. friend had not meant that such a measure never was adopted, but only that it was some-

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times refused; and that any motion for an inquiry was not to pass of course, but ought to be supported by powerful arguments. The House was always to use its discretion, and not to be guided by any invariable rule. The hon. gentleman had not been correct in point of fact, in stating that his right hon. friend was guilty of inconsistency in refusing to accede to this proposal, since he took a very active share in an inquiry which was instituted towards the end of the American war. His right hon. friend was not at that time a member of that House. This he thought would be a sufficient answer to the charge; and it would be found, that if dates were examined, and facts ascertained, one less satisfactory might be given to all the accusations of the hon. gentleman and his friends. The comparison certianly was not inapt between himself and dean Swift, and he was much about as well affected to his right hon. friend, as that politician to the great duke of Marlborough. After a war the most successful and glorious ever waged, Swift complained that the resources of the nation had been misemployed, that it had been impoverished without reason, and that, notwithstanding all its triumphs, it was on the brink of ruin. It did not then follow, from the hon. gentleman's reprobation of the political measures of his right hon. friend, that they were less wise, or productive of less glory than those of the hero of Blenheim. He should not enter minutely into the consequences of the war; but he could not in silence pass over one which had been imputed to it. By imprudently lavishing our treasures, and needlessly exhausting our strength, we were reduced so low (it was said), as to be obliged to put up with insult from other nations: by entering into an unjust and unnecessary war, we were prevented from declaring one which would be both just and necessary. In support of a right which was allowed by all to be essential to our naval greatness, upon which the prosperity of our commerce depended, without which we could never be secure, the most vigorous, though conciliatory steps had been taken. When our flag had been insulted, when an act of hostility had been committed, and when satisfaction was refused, was there any want of vigour displayed in insisting upon it? Were not the honour and dignity of the nation preserved unimpaired? Gentlemen were displeased because force was not used, because, having it in our power to obtain whatever we pleased, we agreed to take somewhat less than what was strictly our due; because ministers were unwilling idly to waste the blood of their fellow subjects. Was this conduct to be arraigned at the bar of the British nation, and by those whose constant theme was the unfeeling, cruel, quarrelsome, unrelenting disposition of his majesty's ministers? He was glad to find, that the hon. mover had taken rather a different view of the war from what he had done on former occasions. He had almost uniformly denominated it the most disastrous and disgraceful war that this or any other country had ever been engaged in. But to-night he had compared it with the most successful war we had ever carried on, and was contented with attempting to prove that it been less productive of glory and advantage. Whether he had been successful in his attempt, it was for the House to determine. Mr. Canning adverted to the negotiation at Lisle, and vindicated the conduct of ministers in that transaction. Notwithstanding the expressions they might have made use of since, there was no doubt that they were then most sincere in their endeavours to make peace with the Directory. Was it to be said that a man could not exert himself to the utmost to gain some point, some particular object, and though he failed, from some circumstances which afterwards occurred, rejoice at his failure? This would be to make the happiness or misery of life to depend upon a single accident. For a man to become desperate from disappointment was contrary to reason, morality and religion. It had been said by gentlemen who occasionally attended the House, that they thanked God they had nothing to do with the conduct of the war; that they would not be blamed for the lavish expenditure it had occasioned, and that they were innocent of the blood which had been shed in it. But, had they got into power as they earnestly desired, they would have been obliged to continue the war, notwithstanding their utmost efforts to make peace; and a change of circumstances must have operated a complete change in their sentiments. Ministers could not be justly accused of inconsistency or tergiversation, though they had ceased to canvass the private character of Buonaparté, though they no longer styled him the child and champion of Jacobinism, the most enthusiastic supporter of its

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power, and the gaudiest puppet of its folly. This change, in their language, had not perhaps proceeded from any change in his character, and later transactions had perhaps proved that their former language was not misapplied. Had he not merely to pronounce the words Tuscany and perfidy, to show that the individual feelings of the chief consul remained unaltered, and that those feelings were none of the most laudable? But his power was now established, and it was no longer necessary to discuss his character. Last winter there was every reason to believe that he could not long maintain his power, and it behoved those who held that opinion to show that it was well founded. Now that he had become the organ of the will, and the arbiter of the fate of France, there could be no objection to treat with him; and that ministers were of that opinion, the papers on the table sufficiently evinced.

Mr. *W. Smith* said, that it had long been his opinion that the naval glory of England had been raised higher during this war than at any former period; but of our military operations, he had a very different opinion. It was idle to consider how many islands we had captured, or what new possessions we had acquired: the question was, had we gained the object of the war? What that object was, it would be no easy matter to determine; but whichever of the various objects that had been stated was the true one, we were as far from it as when war was first declared. Had the success, then, been equal to the expenditure? A greater disproportion could not well be conceived. The ability with which the war had been conducted, might be estimated by considering against whom we had to fight. If we alone had been opposed to all the states of Europe, it might be thought well if we defended ourselves against them. But what opinion must be entertained, when we have made not the least impression upon France, although we were leagued against her with the most powerful states of Europe? A number of places we had taken; but we had generally met with no resistance; and without a contest no glory could be acquired. Wherever the enemy had been prepared to receive us, we had been discomfited. We had evacuated Corsica; we had evacuated Toulon; we had evacuated St. Domingo; we had evacuated Guadaloupe; we had evacuated the Helder. It was painful to recall such subjects; but it was indispensably necessary, when the right hon. gentleman had the boldness to assert, that a war attended with such incidents had been successful and glorious.

Mr. Secretary *Dundas* said, that if the hon. gentleman who had dwelt so severely on his conduct, expected a retractation of his former sentiments, he would experience a disappointment; for he assured the House that he would not retract one word, or renounce one declaration. He rejoiced as much as any man, on hearing the high encomiums bestowed that day on the British navy; but he begged that the hon. gentleman would recollect the censure which lord Howe, a name glorious in the annals of this country, had experienced, when he missed the French fleet. The very same gentlemen and their friends had also condemned the conduct of admiral Colpoys, when the enemy escaped his vigilance by a fog; and for this unforeseen circumstance, the blame was not confined to that admiral, but the conduct of administration was arraigned. In reflecting on the successful encroachments of the French, an hon. gentleman had affected to regret that the influence of our allies on the continent had wonderfully diminished. But that increase of power on the part of France was only in a relative point of view: that increase of power could not diminish either our possessions or our prowess. He rejoiced at the fall of the French navy; but this great achievement on our part would not, according to the hon. gentleman's doctrine, be considered as a success. While the power of this country was increased, that of France was proportionally diminished; and, however hostile to the present administration, he hoped that the gentlemen opposite did not rejoice at the success, and lament the defeats of France. While those very gentlemen were denying the success of our arms, our enemy maintained that all Europe was jealous of the increase of our maritime power. But, said the gentlemen opposite, if you have been successful by sea, you have been unsuccessful by land. Let them, however, recollect, that every effort of our navy in the capture of the settlements of the enemy had been distinguished by the successful co-operation of our army. But the opposition, still fertile in expedients, said, that neither army nor navy had experienced any resistance on the attack of those settlements. What! was

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there no resistance at Martinique? no resistance at St. Lucie? no resistance at Tobago? no resistance at Guadaloupe? The Dutch expedition was again alluded to, and in this we were said to have been also unsuccessful. Whereas, the grand object had been accomplished by the capture of the Dutch fleet, which, consequently diminished the power and influence of the enemy. Could the gentlemen say, that there was no resistance at the Helder? There certainly was; and the British army had gained additional glory by that achievement. As to our armaments respecting St. Domingo, we had on that occasion acted with true policy. Through the medium of general Williamson, we had checked the insurrection of the Blacks, and saved Jamaica and all our West India settlements. The success of the war had been proportionate to the resources afforded. At its commencement, we had not more than 10,000 men who could be employed offensively against the enemy. The first object of administration was, to attack the French settlements, to diminish their navy, and to control or engross their commerce. For the accomplishment of all these objects, our plans had been well concerted, and our exertions had been crowned with the most unprecedented success. It is contended, that because ministers consented, on a former occasion, to negociate for a peace which might have turned out a bad one; they must treat at a disadvantage were they to negociate now, and that their peace must therefore be a bad one. Why must it be done? Because, by means of our successes, ministers had now got into their hands materials for a good one! This, indeed, was a singular argument, and carried its own refutation on the face of it. With respect to the government of France, he said now, as he had done before, that the restoration of its monarchy would be a desirable object; but he must also add, that to diminish the power of France, whether it was a republic or a monarchy, was of greater importance to the true interests of England. The question, therefore, was, had we diminished its power by the operations of this war? We had most materially diminished it. Did gentlemen mean to assert, that if France were now in possession of Martinique, Tobago, St. Lucie, &c. she would be much more powerful than she was at present? The same observation applied to the East Indies. For more than half a century it had been a favourite object with France to effect the ruin of our empire in the East; it was the aim of that memorable expedition to Egypt: and would gentlemen say, that when, by a glorious campaign, we had consolidated and secured that empire, that the war had not been successful? Though nothing was more evident than that the more we deprived the enemy of colonies, the more we abridged his power; yet the strange doctrine was preached, that our very maritime successes were detrimental to the interests of England; but I trust that in any future war we may have with France, the people of this happy island will never be led to believe that we have derived no advantage from conquering the colonies, destroying the navy, and totally ruining the commerce of the enemy.

The House divided:

Tellers.

Yeas	Mr. Tierney - - - - Mr. William Smith - -	37
Noes	Mr. Canning - - - - Mr. Sargent - - - -	157

So it passed in the negative.

Debate on Mr. Sheridan's Motion relative to the Negotiation for Peace with France.] Dec. 1. Mr. *Sheridan* rose, and, after the clerk having read that part of his majesty's speech which refers to the late negotiations for peace, spoke as follows:—Every one, Sir, who heard this speech delivered from the throne, and every one who has read the papers which were laid before the house, must expect that we should take the subject into our solemn consideration, and state our opinion upon it to his majesty in an humble address. This, Sir, is a step which reason dictates, and it is strictly conformable to parliamentary usage. Whenever any communication of this nature has been made to the house, the invariable practice has been, to canvass the conduct of ministers in the affair to which it refers, and to state the result of that inquiry to our sovereign. Ministers, however, seem to be of a different opinion, and, for some reason or other, seem averse to all investigation of their conduct. I, therefore, thinking it of the utmost importance to the public that it should be fully investigated, shall proceed to state the result of my most serious and mature consideration. That result, I trust, will meet the sentiments

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of the house, and the motion, which is founded on it, be agreed to. Instead of entering into the subject at large, as I once intended; instead of pointing out with minuteness where ministers have been guilty of insincerity, where of prevarication, where of weakness, where of hypocrisy—I shall content myself with endeavouring to prove, from the past conduct of our allies and their present views, that we ought to disentangle ourselves from all continental connections as soon as possible, and, by entering into a separate negotiation, conclude a separate peace. In doing this, I shall lay down two propositions; and establish, upon these, two separate conclusions. The first is, that, from the commencement of the confederacy, there has existed in the different states who composed it a mercenary spirit, a sole view to private aggrandisement, the grossest and the most shameful insincerity. By these its object has been defeated; these now exist in their full force; and there is no prospect of its object being attained. It will hence follow, that it is our interest and our duty to withdraw from it; to avoid the obstacles which it throws in the way of peace, and no longer pledge ourselves to continue to make war till those states which are called our allies shall be completely exhausted. The next proposition I shall lay down and support is this, that there appears the strongest ground to suspect, that in all the negotiations for peace which ministers have carried on, although they may not have thwarted their plenipotentiaries, although there may have been conditions to which they would have acceded, still that they have never sincerely wished for success, and never sincerely lamented the want of it. The inference arising from this is plain: Since the same ministers remain in office, the interference of parliament is necessary; that alone can alter their intentions, counteract the mischiefs which their views are calculated to produce, or afford the least chance of salvation to the country.

I take upon me then to say, Sir, that there is no one power with whom we have been in alliance, which has not deceived, defrauded, and deserted us. It is melancholy, that while I am speaking, additional arguments, and new proofs, should spring up to strengthen my position. Not only has an embargo been laid upon all British vessels by our late magnanimous ally, but it would seem that their captains have all been thrown into prison. I hope things will not turn out so ill as there is at present reason to apprehend; but, allowing that there have been great exaggerations, there cannot be a doubt that the boasted friendship of Russia is at an end, and that by our vaunted ally we are forsaken, betrayed, insulted and outraged. For having said that the emperor Paul was insincere, and not to be relied upon, a person was not long since fined and imprisoned; yet this same emperor Paul has done a most unjustifiable act, which shows that he was undeserving of confidence. This embargo is not all; there is every reason to fear that almost every port in the Elbe is shut against us; that the king of Prussia and the duke of Brunswick have interfered, and that, except by way of Mecklenberg, we can neither draw supplies of grain from the continent, nor send thither our manufactures. If these things are true, it is surely time for the house to consider whether this bar to negotiation should be allowed to continue, whether ministers should be allowed to keep possession of this pretext for carrying on the war. The right hon. gentleman lately allowed, that our allies had treated us ill; he talked of the dereliction of some, and the perfidy of others; to some he ascribed unaccountable fickleness, and to others shameless atrocity. But (said he) who could have thought it? We were not endowed with a faculty of certainly foreseeing future events, and without that no one could have suspected what has happened. Sir, this is not the language of an enlightened statesman, or of an upright man. Did it require more than human prudence to foresee that Prussia, after the first ebullition of her resentment against the French revolution, would soon perceive that it was not her interest to waste her blood and her treasure for the aggrandizement of Austria; and that the best way to extinguish Jacobinism, and to check the spirit of innovation, was, to attend to internal regulations, to promote industry, to secure plenty, and to alleviate the public burthens? Did it require any great sagacity to foresee that Spain, unable to withstand the shock of republican arms, would, to save herself from ruin, consent to any terms of accommodation? Could it not be suspected that the emperor would prefer his own interest to that of Great Britain, and that he would not pay a very scrupulous regard to any engagements which ought to have prevent-

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ed him from giving this preference? Has it only been discovered of late years, that the petty states of Germany must all act in concert, either with the emperor, or the king of Prussia? Was it a thing very improbable that, when magnanimous Paul saw all his allies fighting to promote their own interest, and when he discovered that he himself could gain nothing in the contest, his magnanimity should abate, his ardour for martial glory should cool, and that he should abandon the cause of morality, religion, and social order? But, Sir, they should surely have been better able to appreciate the operation of this mercenary spirit, since it first animated their own bosoms, and they infused it into the confederacy. On what principles and pretences did they enter into the war? We are severely censured for ascribing various motives to them, and different ones to-day from what we mentioned a few days before. But the fault is theirs; they change their language with every change of circumstances, and make their inducements for performing past actions to depend upon what happens years after they were performed. I cannot forget that it was once said, we had gone to war because France would not allow us to remain at peace. This assertion is again repeated in lord Grenville's letter; and it is there positively asserted, that our only reason for going to war was the unprovoked aggression of France. No sooner was this language held at home, than another ground of warfare was stated to the rest of Europe. The enormities of the French were painted in glowing colours; the dangerous nature of their designs was laid open; the overthrow of all regular governments was represented as inevitable if they should succeed; their private proceedings were represented as a sufficient reason for attempting to subdue them; neutrality was denounced as impolicy, as pusillanimity, as treason against the human race. We declared to Tuscany, we declared to Sardinia, we declared to Swisserland, that they need not wait for aggression, that all had already received sufficient provocation, who had any regard for domestic happiness, for social comforts, or the consolations of religion. Was there not here the grossest hypocrisy, and the most shameful double-dealing? Must not our allies have been disgusted or corrupted by our bad example? After all these protestations of respect for the rights of humanity—after all these sentiments of abhorrence for the regicide republic, ministers were the first who neglected the professed object of the war, and who consulted individual gain. While they were calling upon all to join in a contest such as never appeared before—while they were maintaining that, to bring the awful and unprecedented struggle to a happy termination, they thought they must have an indemnity for their trouble—they fitted out an expedition, and stole the West India Islands. This was the way in which we were to destroy usurpation, and to set an awful example of the punishment which awaits disloyalty and irreligion. In two right hon. gentlemen opposite to me I think I see the true reasons for carrying on the war personified, and their union is equally compatible. The one (Mr. Pitt) says, I will admit that the principle of the war is to suppress Jacobinism, and destroy its leaders, if I am not required to act upon it. I will admit that our only object is to establish the throne and the altar, provided I am allowed to carry on my plans of aggrandisement. This is the reason why our exertions have been so ill directed, and why the means employed have been so inadequate to the end proposed.

From that moment all dignity forsook us; and the variance between our professions and our practice was by turns the subject of laughter, of censure, and of reprobation to our allies. We were entitled to salvage for the civilised world, a right hon. gentleman (Mr. Dundas) I heard once say; but it would have been time enough to be paid when the work was accomplished, "when the job was done." He first insists upon salvage, and then sets out in pursuit of the vessel. Our example, Sir, had the most deplorable effects. It infused a spirit of insincerity, and a desire of aggrandisement among all the confederates, and they have ever since assisted each other as long only, and to as great an extent, as they thought would be productive of their own individual advantage. Prussia soon after deserted us, in a manner which I need not recall. The emperor's whole attention was turned to the acquisition of a barrier, in place of the one which Joseph had destroyed; and his only object was to get possession of Valenciennes, Quesnoy, and the other fortresses in French Flanders. The fall of Dunkirk was anxiously expected, that it might be delivered up to Great Britain. This has been attempted

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to be denied, but it can be denied with no shadow of reason. Thus, though we did not absolutely break faith with our allies, we introduced the principle which led others to do so; and we have no reason whatever to reproach their misconduct.—To apply what I have said to Russia. I never was a friend to magnanimous Paul, and am so now less than ever.—But I must "render unto Cæsar the things that are Cæsar's." His mother, the empress Catherine, was very liberal of proclamations and promises; but her magnanimous son declared it to be his unalterable resolution not to sheath the sword till he had restored the House of Bourbon. He, in fact, sent numerous armies into the field, and was prepared to make still greater exertions: but he soon discovered that his allies were not equally magnanimous with himself; that private interest was their only guide; and that, while his forces were cut in pieces, and his resources expended, he merely saw those made more powerful who might one day become his enemies. He took upon himself the title of Grand Master of Malta, to be sure (a most ridiculous step in every point of view, particularly as he is a member of the Greek church), but not an inch of the island does he possess. Over this subject there hangs a considerable degree of mystery, which I should like to see developed. There are several circumstances which look as if, though no absolute promise was made to Paul, of the island, some hopes had been held out to him, or at least he was allowed, without being undeceived, to cherish sanguine hopes of being presented with it. It is not long since a fleet, with troops on board, sailed from this country, for the express purpose of taking possession of the place when it should surrender, and to ensure its good government. No remonstrances were made when he assumed the title; and when he pretended to make captain Home Popham a knight of that order, his power to do so was recognised in the London Gazette. There are, I think, strong reasons to suspect that his magnanimous mind was led to believe he would receive this as a reward for his exertions in this magnanimous scramble.

It is strange, Sir, that not a man on the continent could be found who would take a part in a cause of such a nature without being subsidized. We have been obliged to bribe them to do their duty, to protect their property, and to defend their religion. We have been obliged to be the recruiting-serjeants and paymasters-general to Europe. The right hon. gentleman will not be pleased, perhaps, if I find fault with the emperor of Germany. He will allow me to abuse the Spaniards, to complain of the versatility of Paul, and to apply the epithets of perfidious and dishonourable to the king of Prussia. [Mr. Pitt seemed to dissent.] Perhaps the right hon. gentleman has thoughts of forming an alliance with that sovereign, by means of a handsome subsidy, to make up for his northern neighbour. I am at a loss to conceive on what other account he can dislike to hear his name mentioned with disrespect. But, to proceed to his imperial and royal majesty. It may appear odd in me to use such liberties with crowned heads; but it should be recollected, that when we speak of kings and emperors, we mean only to speak of their ministers. Sovereigns are all immaculate and infallible, and their bad counsels are alone to be attributed to those who surround them. Still it is an ungracious task to expose the conduct of the cabinet of Vienna; but at the call of duty I do not hesitate to perform it. I set out then by declaring, in the most positive and unequivocal manner, that the emperor of Germany has failed in his engagements with us more than any ally that it has been our misfortune to be burthened with, and that he is not now performing the contract which he lately subscribed. Ought I not then to say what I feel, and to endeavour to impress it upon the House? On one occasion he completely broke his faith: he entered into the preliminaries of Leoben, and signed the peace of Campo Formio, when he had promised not to treat but in conjunction with us. I need not be told that he was compelled to do so; all that I say is, that he once broke his engagements, and that what once happened may happen again. But I do not urge so strongly against him his conduct on that occasion, as the manner in which he behaved when, after the breaking off of the negotiations at Rastadt, he again took the field. The right hon. gentleman having then concluded a treaty with Russia, although the emperor of Germany refused to come under any engagements, boasted of the triple alliance, and maintained that France could not possibly withstand its efforts. He continued to hold this language after he must have known that Paul 1st was disgusted

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and about to withdraw his forces. When that event at last took place, as every one had long foreseen, he applied in the most urgent manner to the emperor of Germany, and, if he would enter into a new treaty with him, offered him his own terms. The emperor was then undisputed master of Italy, and victory crowned his arms; he turned a deaf ear to all these solicitations. Would he have hesitated a moment had he been zealous in the common cause, or had taken the smallest interest in it? He wished to carry on unmolested his own nefarious schemes, by overturning independent states to enlarge his dominions; and to be able to make peace as soon as he had acquired enough to satisfy his ambition: he therefore kept aloof from the treasure which was temptingly held out to his view. On the 13th of February a message was brought down from his majesty, in which our Russian alliance, the advantages of which had been stated to be inconceivable, was talked of in the highest manner: it was said, that Bavaria and other German states were about to bring immense armies into the field, and that a treaty was forming with the emperor of Germany. Now, Sir, his majesty does not state that he will propose an alliance with the emperor, but that he is actually treating with him. The emperor was still prosperous, and our two millions were despised. At length, on the 20th of June, when the battle of Marengo, which made such a melancholy reverse in his history, had been fought on the 14th; when he found that Melas had been obliged to yield up the greatest part of Italy, and that Moreau, having gained three great pitched battles, was advancing rapidly to Vienna, being in the extremity of distress, and utterly unable, however well inclined, to promote the common cause, he pledges himself to assist us to the utmost, and, unless in conjunction with us, not to treat with the enemy. There is something extremely injurious in the alliance itself, which ought to be pointed out and exposed. On the 20th of June, it is agreed that his majesty the emperor and king shall have two millions of money, to be paid at three instalments, in July, September, and December. For this, what was to be done? He was to carry on the campaign with all possible vigour, and not to treat except in conjunction with his Britannic majesty. But it has likewise a retrospective operation, and was to take effect from the beginning of March last. He thus pledges his imperial word that he will exert every effort to annoy the enemy for four months which are gone, and that for the same period of past time he will not make a separate peace with the French Republic. He received the first instalment for carrying on in Italy his schemes of foul ambition and unprincipled aggrandizement; the next, for making an armistice. This was using all his means, this was struggling, as he promised, to the last gasp!—But he wishes to make amends; when the armistice is near expiring, he leaves his capital, he springs from the couch of ease, he repairs to the field, he is confident that he will be able to re-establish his affairs. Who would not second such an heroic prince? Every subject in his dominions must flock to his standard. But no sooner had he arrived at the army with these magnanimous views, than his courage failed him, and he was seized with a most magnanimous panic. There are some things which one would think might as well be done by proxy, and some prerogatives of sovereignty which it must be pleasant for the sovereign to exercise by delegation But it would seem, on the other hand, that there are degrees in all things in power, in aggrandizement, in humility, in meanness; and that he who has one in a supereminent degree, is apt to give proof of all the rest. Francis, therefore, would not allow another to act now in his place; but, by signing, with his own hand, the convention of Hohenlenden, gave proof of the most super-imperial pusillanimity.

The next question is, whether he has since been faithful to his engagements. The right hon. gentleman says, he never has had the slightest idea of entering into a separate negotiation with France, though to be sure it has been impossible for him openly to carry on the war. I must use the liberty to say, that that is impossible. I make no doubt that ministers have been told so; but they have not been told the truth. I regret that the documents I moved for on a former night were not laid before the House. It was said, that count St. Julien had no credentials. It is asserted in one of M. Otto's notes, that he carried with him a letter from the emperor to the chief consul, and this assertion has never been contradicted. I may be told, that this could convey no power to an ambassador; as a sovereign, not responsible himself, must act by those who

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are. This is, no doubt, a maxim of our constitution; but in despotic forms of government it is different; and absolute kings not unfrequently conclude treaties, and do other diplomatic acts, without the intervention of any one. The preliminaries, no doubt, required to be ratified; but neither was our treaty with the emperor conclusive till it had been ratified; yet no one would, on that account, maintain, that lord Minto was completely unauthorized to sign it. Lord Grenville says, he never heard of these pretended negotiations till they were mentioned by M. Otto. Why not, then, produce the emperor's disavowal of St. Julien's proceedings, and clear up the mystery at once? The note of the count de Thugut to M. Talleyrand evidently does not contain a new proposal, but is an answer to a proposal already made. The letter states that plenipotentiaries had been appointed, and rejoices that Great Britain was to take a part in the negotiations. If there is sense in words, proposals for a separate treaty had before been made and accepted. It is as clear as day, that negotiations had been actually begun. Lord Minto thanks the Austrian ministers for their obliging communications. Is this the language of one who thinks that separate overtures cannot possibly be entertained? From the two circumstances of the mission of St. Julien, and the expressions in Thugut's and lord Minto's letters, I have not a doubt that the Emperor has deceived our ministers; that he has been treating with Buonaparté for a separate peace; and that he has once more been guilty of a gross breach of faith towards his ally.

I shall now endeavour to prove, that ministers never, at any period since the beginning of the war, have sincerely wished for peace; and that as often as they have made an attempt to promote peace, they have rejoiced at its failure. Need I mention more than their conduct to the emperor? When they urged him to make a common cause with England after it was impossible for him to be of the least service to us, can it be doubted that their object was, that they might have a ready excuse for refusing to negociate? After the negotiation at Paris, his majesty declared in the most solemn manner, that he would omit no opportunity of putting an end to the destructive contest, and that he would willingly grant the conditions which he had before offered. After the breaking off of the negotiation at Lisle, known by the name of the "Sincere Treaty," the same language was put into his majesty's mouth; and on the 28th of October it was declared, that the offers which had been rejected would at any future period cheerfully be made. The right hon. gentleman, I know, is always sore about this "Sincere Treaty," and does not like to hear it mentioned. But he really need not be so uneasy; I impute nothing to him of insincerity or bad faith. There is great difference between saying that you will grant the enemy certain conditions of peace, and anxiously wishing them to be acceded to; and there is no inconsistence between offering them sincerely, and rejoicing heartily that they are rejected. A person in the country who has quarrelled with one of his neighbourhood about the inclosing of a common or the making of a highway, rather than go to law, and thus incur the odium of all his neighbours, will perhaps desire his attorney to settle the dispute upon certain conditions. These conditions he would no doubt soon afterwards fulfil; but nevertheless he may wish them to be rejected, and exult if they are, for then he will have public opinion on his side, and will have better chance to have the common divided, or the road turned as he wished it. Ministers, Sir, did not try to conceal their exultation. They publicly thanked Providence for the dangers they had escaped. It was rather a strange feeling to return thanks to Heaven that all hopes of returning tranquillity had vanished, and that thousands were about to be slaughtered. Sir, the result may be reckoned a punishment for such a presumption, and ought to be an awful warning against such a display of insensibility, and such a mockery of religion. — His majesty had been made to say, that whatever the government was which prevailed in France, he would be ready to treat with it. How was this promise kept? An offer came from Buonaparté of the most moderate kind. They had treated with Jacobins and Regicides; yet it was contemptuously rejected. They did not say they would not engage in any but a joint negotiation; they urged none of their old pretences, but they took new ground and boldly demanded experience and the evidence of facts of the good dispositions of the government, and insisted upon the restoration of the Bourbons. Here the true cause of the war broke out, and fic-

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tion was for a time laid aside. It was allowed that Buonaparté was sincere. He was decried in every figure of speech, and every epithet of abuse was applied to him. He was called cruel, profligate, unprincipled, atheistical, an adventurer, an usurper, a renegado, the child and champion of Jacobinism; but when it was asked whether he was inclined to peace, it was answered, "Yes; most sincerely. Peace is necessary to him; but should we allow him to obtain it, and thus to establish his power? Should we prolong the reign of this unprincipled adventurer, of this cruel usurper, of this atheistical renegado; should we confer a favour upon Jacobinism, by conferring a favour upon its child and its champion?"

I now come to show, that the events of the last negotiation support my position with equal strength. They could no longer assign, as a pretence for their warlike dispositions, the instability of the power of Buonaparté; they could not venture to revile his character; they durst not say he was void of moderation, and an enemy to tranquillity and social order. "If he again proposes peace to us," thought they, "we are undone. We are at present without a shield from censure; our real dispositions must be made public; we are without all means to mislead the people. Could we only form an alliance with a foreign court, then the faith of treaties would come in to our assistance." The Emperor was reduced to difficulties, and in the hour of distress they directed their ambassador to offer him two millions of money if he would allow us to promise that we would not enter into a treaty for peace without him, and he would, for form sake, make a corresponding promise to us in return. This money was squandered, not to promote a British object. It was morally impossible that he could lend us the least assistance; yet he would clog any future negotiation, by rendering it necessary for him to be a party to it. Are there two ends which could be served by this step? Does it not warrant me to conclude, that they would reckon a successful treaty a most lamentable event? I impute no bad motive to them; but merely assert, that they have a firm conviction that peace with the French Republic is most undesirable, and that every nerve should be strained to widen the breach between the two countries, to enflame the national prejudices of each of them, and, while a guinea remains in the country, to persevere in the desperate struggle.—I shall be told, perhaps, that there is a part of the negotiations to which I have not alluded, and which proves that ministers were willing to make any sacrifice to put an end to the horrors of war. Sir, I give ministers no credit for this part of their conduct. I condemn them for even once entertaining an overture for a maritime truce;—a maritime truce every Englishman must have abhorred. There was nothing too exorbitant for the French to ask as a compensation for suspending hostilities on the continent; but no consideration for our ally, no hope of advantage to be derived from joint negotiation, should have induced the English government to think for a moment of interrupting the course of our naval triumphs. This measure, Sir, would have broken the heart of the navy, and would have damped all its future exertions. How would our gallant sailors have felt, when, chained to their decks like galley slaves, they saw the enemy's vessels sailing under their bows in security, and proceeding, without a possibility of being molested, to revictual those places which had been so long blockaded by their astonishing skill, perseverance and valour? We never stood more in need of their services, and their feelings at no time deserved to be more studiously consulted. The north of Europe presents to England a most awful and threatening aspect. Without giving an opinion as to the origin of these hostile dispositions, or pronouncing decidedly whether they are wholly ill-founded, I hesitate not to say, that if they have been excited because we have insisted upon enforcing the old and established maritime law of Europe, because we stood boldly forth in defence of indisputable privileges, because we have refused to abandon the source of our prosperity, the pledge of our security, and the foundation of our naval greatness, they ought to be disregarded or set at defiance. If we are threatened to be deprived of that which is the charter of our existence, which has procured us the commerce of the world, and been the means of spreading our glory over every land; if the rights and honours of our flag are to be called in question, every risk should be run, and every danger braved.—Then we should have a legitimate cause of war—then the heart of every Briton would burn with indignation,

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and his hand be stretched forth in defence of his country. If our flag is to be insulted, let us nail it to the top-mast of the nation; there let it fly while we shed the last drop of our blood in protecting it, and let it be degraded only when the nation itself is overwhelmed.

I come now, Sir, to that part of the correspondence which relates to Egypt. This is the strongest charge against his majesty's ministers: it is of the more importance, because it is not to be endured that imputations should be thrown in this House upon officers employed in the service of their country abroad. One of the greatest recompences that can be bestowed upon an officer is the thanks of this House. Let us take care then, lest, by suffering insinuations to be thrown out against them, we at last tend to lessen the value of those thanks. I say, that that gallant officer sir Sidney Smith had power to treat. Ministers say, no. I demand then the production of the instructions to him. No, reply his majesty's ministers, take our words. I contend, that sir Sidney was sent out, that he had a distinct station, and that he could not have received any instructions from lord Keith in less than two months. I say also, that he had powers to negociate the evacuation of Egypt almost upon any terms. A proclamation was published at Constantinople, and carried into Egypt; it was at the close of January 1799. In the gallant and noble defence of Acre, sir Sidney distributed this proclamation to the people; and what did it contain? Sir Sidney, authorized by government, promises safe-conduct and passports to all the French who will leave the army and embark for France. At this time then his majesty's ministers must have been apprized that sir Sidney thought himself authorized to act. Did you send out word that he was not so authorized? But then comes a parcel of correspondence seized about that time; how garbled I know not. You find a desponding account of the French army, but nothing of the grand vizier's. Notice is sent to general Kleber that the convention is not to be respected. The general immediately renews hostilities, and with a slaughter so immense as scarcely to be credited. The effect of this measure, I fear, is, that you have lost Egypt for ever. Surely ministers ought to have known, that nothing but the convention of El Arish saved Egypt. Surely they ought to have known, that of 200,000, of whom the grand vizier's army consisted, 100,000 had deserted; that the levies, raised as usual only for six months, were raw, and could not be disciplined; that the grand vizier was left with a miserable remnant; that Ghezzar Pacha had risen in his rear; and that his destruction must have been inevitable, but for the masterly manner in which sir Sidney managed his handful of sailors, and but for the consummate policy and abilities with which he acted with respect to the convention of El Arish. The chief consul says, the good genius of France has saved Egypt to the French. Sir, the good genius of France has frequently been made up of the improvidence and want of skill of his majesty's ministers. They ought to have known, that the grand vizier's army was in this wretched state, and that Passwan Oglou harassed and distracted the attention of the Porte with a powerful and triumphant force. But whether they knew these things or not, I ask, on what principles did they act towards Turkey their ally? They say to the French, you shall not escape unless you consent to lay down your arms. They say so to an enemy in an ally's country, that ally having already entered into a negotiation, by which the enemy are to evacuate the country. Now, Sir, we who talk of the conduct of the French, what do we say to this? Suppose a party of French had landed in Ireland, and that we had some Russian officers in our service in that kingdom; we agree with the French that they shall evacuate it. No, say the Russians, they shall stay where they are; they shall not go till they have laid down their arms. Would not the right hon. gentleman reprobate such conduct in his loftiest strain? Sir, I will not press this subject farther; but I do hope and trust that it will again be taken up separately and seriously.

I recur now to the correspondence; and I do it in order to show how hastily some gentlemen give credit to his majesty's ministers, when they tell us, that count St. Julien had no authority to treat, and that sir Sidney Smith had none. Let gentlemen advert to this circumstance —let me ask them whether any trust is to be given to that letter in the correspondence which speaks of the letter of general Kleber, and which characterises it as containing an engagement to execute the convention of El Arish as soon as the king's acquiescence in it should be made

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known to him? Let gentlemen refer to the letter itself. Sir, I cannot but think that I see, through the whole of the correspondence, the preparation for a rupture. I see captain George appointed, because the attention of the public shall not be drawn to the communications with M. Otto. This stiff-necked policy shows insincerity. I see Mr. Nepean and Mr. Hammond also appointed to confer with M. Otto, because they are of the same rank. Is not this as absurd as if lord Whitworth were to be sent to Petersburgh, and told, that he was not to treat but with some gentleman of six feet high, and as handsome as himself? Sir, I repeat that this is a stiff-necked policy, when the lives of thousands are at stake. Ministers seem to have an excellent knack at putting papers together; they have given us, before, pictures of pikes and profiles of spears; and until we sift and compare things, many of us might be led to suppose that they were seriously desirous of peace. Lord Grenville says, "If the situation of the French army in that country were to become matter of discussion between the two governments, his majesty and his allies have a right, on every principle of good faith, as practised between civilised nations, to require that the French should evacuate Egypt on the terms stipulated in the convention of El Arish, those stipulations having been ratified both by the Turkish government and by the French commanding officer, and his majesty having also instructed his admiral commanding in those seas to accede to them as soon as they were known here. This demand would be made with the more reason, because even subsequent to the recommencement of hostilities in Egypt (under circumstances to which his majesty forbears to advert), an official engagement was entered into by general Kleber in his letter to the Kaimaken, dated the 10th April 1800, by which that general, then commanding in chief the French army in Egypt, and consequently possessing full powers to bind his government in this respect, formally undertook that the convention of El Arish should be executed so soon as the king's acquiescence in it should be notified to him." What does general Kleber say? "The Sublime Porte will still find me disposed to deliver up to him the possession of Egypt upon the conditions stipulated at El Arish, with the exception of some modifications which the existing circumstances have rendered necessary. Thus all motive for a fresh effusion of blood would be obviated, and a regular negotiation (the effect of which would no longer be prevented by unforeseen orders) would restore to the Ottoman empire those provinces of which it would be in vain to attempt to deprive us by force of arms. If your excellency shares these sentiments of peace and concord, you will communicate them to his majesty the Emperor Selim 2nd; and, without doubt, you will obtain orders to resume, without delay, those conferences which would conduct us to the object which we are equally desirous of attaining."—It thus appears that general Kleber calls for a new negotiation, and desires to have fresh conferences. There is not a word in the letter which states he will evacuate Egypt as soon as the king's acquiescence is known. A right hon. gentleman attempted the other day to attach some importance to the letter of an aid-de-camp, who was at Jaffa. Where is the letter? [D. in the Appendix to the Correspondence, see p. 586.] I always suspect something from these gentlemen with respect to papers. Does lord Grenville say any thing of this letter? No; he only refers to general Kleber's. Sir, I dwell the more upon this, in order to show that we are not to take it for granted that the character of the documents referred to in the correspondence is a true one. I have proved that the character given of general Kleber's letter is in no part correct; and I contend I have a right to assume, that the description of other papers is as little correct. Sir, I honestly confess that I do not believe any thing would have induced the secretary at war to have put his name to such a quibble.

The object of the motion which it is my intention to submit, is, to afford one step more towards negotiation, and remove those impediments which our connexion with the emperor of Germany has thrown in the way of it. With respect to the war itself, I do think it to have been a most unsuccessful, and (to ministers) a most disgraceful one. God forbid that any man should, as some persons hinted the other night, attack the exploits of our navy! they have been most glorious and splendid; but when you talk of a successful war, you must mean one that has accomplished the objects for which it was undertaken. Have you deterred other countries from aggrandizement and

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rapine? Have you restored the Bourbons? No; but you have taken Trincomale. Have you re-established the noblesse of France? No; but you have taken Ceylon. Have you restored the orders of France? No; but you have taken the Cape. But will you tell me, that if you place these in one scale, and the two hundred and seventy millions of debt in the other, the latter will not overbalance your successes? But this is not the fair way. You must calculate what you will keep; you must calculate the seventeen millions imposed by the war; you must calculate their effect upon the industry and impatience of the country. Will any man tell me, that we should have consented to have made the purchase at such a price, even without the loss of a single life? No, Sir; no. This, then, I contend is an unsuccessful war. But it is said we have annihilated the navy of the enemy. Let us recollect, however, the time when it was said that nothing could compensate for leaving Holland in the power of France, for suffering her to possess the Netherlands, and for permitting her to have such a long line of coast, from the Texel almost to the Adriatic? You may, it is true, leave the enemy crippled, but you leave them with the power of raising themselves to as great a naval height as they ever were in possession of before. —But it is said, we have preserved our constitution. How have we preserved it? So careful have ministers been of its preservation, that they are afraid to give us the use of it. They have considered it as some choice thing, which ought to be put out of sight, and carefully locked up. I hope, Sir, the constitution is only suspended, and that we shall yet see it in all its splendor; but till that time comes, I can give no one any credit for his attentions to it. Sir, peace must be concluded, or it must be proved that the period of fraud, prevarication, and insincerity is over, and that a new system of things is about to commence. If I am asked, whether I expect that ministers will ever make peace with sincerity? I answer, No! In some circumstances I can conceive that they may conclude a peace which might be preferable to this destructive war; and I believe that they will, ere long, be compelled to conclude one of some kind or other. But that they will ever be authors of a peace which will heal the wounds the war has inflicted, which will sooth national animosity, which will justify a reduction of our forces, which will render it possible to lighten the oppressive load of taxes—that they will make a peace of conciliation, I confess that I have no hope. I do not say, that there is but one man in the kingdom capable of making a solid peace. God forbid! I believe that there are many. But I do not scruple to say that a solid peace can be concluded only upon the principles of that one man. Who that man is, it is needless for me to mention, and his principles are equally well known. All right to interfere with the internal concerns of other nations, must be disclaimed; and for commanding due respect to the constitution, we must trust to the good sense and loyalty of the people, and disdain the idea that Jacobinism can make any impression upon England. That such a peace may produce the blessings and benefits which peace is calculated to confer, the rights of the people must be attended to, the constitution must be restored. Without national liberty, national happiness can neither be great in its degree, extensive in its sphere, or long in its duration. Those bonds which now slavishly bind down the inhabitants of this country, which break the spirit of the people, which render impossible the expression of the public voice, must all be completely removed. Till then, while war continues, our sufferings must be aggravated, and they will be but slightly alleviated even by the arrival of peace.—Mr. Sheridan concluded with moving, "That an humble Address be presented to his majesty, humbly to assure him, that we have taken into our most serious consideration the papers relative to the negotiation for peace with France, and that the result of our reflections on this important subject, founded as well on due examination of the documents now referred to us, as on experience of the past conduct of most of his majesty's allies, is an humble, but earnest desire, that his majesty will omit no proper opportunity which may arise, consistently with the good faith ever preserved on the part of his majesty, of entering into a separate negotiation with the government of France for a speedy and honourable peace; and farther to implore his majesty, not to sanction any new engagements which shall preclude such a mode of negotiation."

Mr. *Windham* (secretary at war) said: —Sir; I cannot say that the hon. gentleman has brought forward much new

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matter upon the present occasion, and therefore the necessity of answering every thing he has advanced is the less: indeed, the hon. gentleman himself did not feel that a great deal was necessary by way of reply to him, from the manner in which he put many points. Perhaps little more is requisite than merely to re-state what I have already stated on various occasions. The hon. gentleman, in setting out, was quite as magnanimous as any of the illustrious characters on whom he has been descanting; as he maintains that, although you are now in a situation of great public danger, and contending with a powerful enemy, requiring the greatest exertion on your part to preserve you from destruction, yet you are to detach yourselves from all assistance, and that whatever other power may be exposed to danger also, as well as yourselves, they shall detach themselves likewise; and that your exertions, however great it is necessary they should be, should be made by each party separately, and not jointly. This is a proposition sufficiently extensive, and I should think difficult to be maintained; not agreeable to the present practice of mankind in general, not very consonant to the present state and condition of things, nor, according to my view of policy, well adapted for the alliances which this country ever did form, or is likely to form, with other powers, or even with such alliances as the hon. gentleman himself has stated, allowing merely for the sake of argument, but without prejudice to the facts, that he has stated them and their bearing correctly. The hon. gentleman however did not confine himself to that course, but followed a practice which is well known to him and other gentlemen on that side of the House, whose conduct in debate, in the whole course of this war, is too striking to be forgotten. They not only dwell on the manner in which they sometimes allege an ally has been faithless to us, but they argue, that whatever has happened of defection in any of the confederate powers, arises out of the very nature of the alliance itself, in the course of the present contest; so that the case is argued by them, in the outset of the business, as if the best way for us, who are confederates, would be to keep aloof from one another, and try, separately, our power. Why, really, Sir, there is attached to this assertion a degree of extravagance, and even ridicule, that prevents our making many observations on it, since it is difficult, if not impossible, for any observation to answer it better than the statement answers itself. It is a contradiction to all the experience of ages, of fathers putting arms into the hands of their sons to assist them to repel the force of a common enemy, and a thousand instances in the most ancient history, as well as modern practice. If the hon. gentleman was not one of those who never sacrifice a friend to a joke, I should have thought he had borrowed this mode of arguing from a friend of his, who is not here at present, and who deals a good deal in what is called irony. This mode of arguing in favour of the separate exertions of confederates, reminds me of Swift's Advice to Servants; a celebrated production, where absurd advice is given, and supported by absurd arguments or reasons: he advises the house-maid to put a pail of dirty water on the foot of the stairs, and says to the maid, "although people may break their shins against it, yet your mistress will see by this how busy you have been in cleaning the house." The hon. gentleman not only admits, but reminds us, that we are involved in a tremendous contest with a mighty foe, who is indeed more powerful than any force that can be opposed to him, and yet he thinks that the allies should not co-operate, but separate their efforts—for what reason? Because you cannot depend on each other, although you are united in a sense of common danger—He says, "Take care not to make any alliances, because, if you do, you cannot have the full command of all your own strength so as to exert it in your own way, and your allies may be obstacles to you in making peace." This is like telling those who are attacked, and are protected by a garrison, that the better way for them is to dismantle the fortification, to throw down the wall, and remove every thing about them, because then they can fight in the open field without difficulty; thus they will be perfectly free and unrestrained. That you are under some ressraint when in a place strongly fortified, is true; and that all restraint is in some degree an evil, must be admitted also. That it is desirable for a country to put itself into the situation in which it may bind others, and not be bound itself, is a truth; but then it is a truth so well known, that others will not allow us to

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take any advantage from it; and you cannot have the advantage of an alliance, without the disadvantage of it also. It is in this situation that we stand, in which the advantages and the disadvantages must be taken together. Indeed, had the hon. gentleman not brought this subject forward in the way he has done, and had I been ignorant of the principles by which he is guided, I should have thought it impossible, while you carry on this war, that any person should propose for you to carry it on without alliances, while it is in your power to have any, especially while it is in your power to have such an alliance as that of Austria. This is the general proposition of the hon. gentleman: he says, you ought not to abandon your connexion with Austria, and this proposition he follows up by saying that no good can ever come of this war, unless all the confederate powers of Europe separate their strength, and take the contest single-handed against France. In contending this, the hon. gentleman is neither inconsistent with his own principles, nor with the principles of those with whom he acts; for this is the state into which their politics are aimed to bring us.—The hon. gentleman states an argument on what he calls the conduct of the powers with whom we have been in alliance in this war; and he charges them, generally, with having been perfidious in their engagements with us. To this part of the hon. gentleman's statement I must beg leave to object; for I do not think that we have reason to complain, in many respects, even of the breach of faith; certainly not as he states it; for, although some of these powers have manifested a weakness, and have shown what is the natural defect and may be the ruin of all confederacies, that of each power suffering itself to be occupied by its own separate pursuit, and a blind attachment to what appears upon the surface to be its own interest (without having an enlarged view of its own interest, which is always blended with that of its allies and associates, which is most unquestionably material, and whenever it occurs to be lamented), yet the conclusion of the hon. gentleman is not made good, namely, that the cause of Europe is not benefited by this war, even in the points in which the confederates have most failed. That is a point which I am not now going to make out in detail; but I will observe here, by the way, that if a power, after having assisted you for a while, leave you, it is not correct to say you have lost by that power, you have lost only the benefit of a continuance of its support; you cannot, with propriety, be said to have lost any thing else, for indeed you may have gained much; and that is indeed our case in the present instance, for we have benefited much by the efforts of the allies while they continued in the common cause. I admit that, by serving us, they served themselves also; and indeed it is true in almost all the affairs of this life, that men, when they pursue their own interests, generally serve those of others in society. This is true of states as well as of individuals. I lament that any of the powers of Europe should have so narrow a view of their own welfare, as to withdraw or slacken their efforts in the common cause; but that does not in the least degree warrant the conclusion of the hon. gentleman, that we should slacken ours by separating from that common cause. And now I would say, that, whatever may have taken place before, supposing we were to start *rebus sic stantibus*, and the question was, whether you would now consent to lose Austria, and try to go on upon your own strength without her co-operation, it is your manifest interest to go on in conjunction with Austria.—The great argument of the hon. gentleman against it is the conduct of Austria: he states that she attempted some measures for her own aggrandizement, in Italy, when she separated from this country. To this I would observe, shortly, that this pursuit, although apparently for her own aggrandizement, was in reality for her own security; and this was not injurious to us, nor would have been so if it had eventually succeeded, unless it can be shown that there was no necessity for a counterpoise to the enormous power and ambition of France. I am not quite sure that I rightly understood the hon. gentleman, when he stated this conduct as a desertion of our interest on the part of Austria; but, in point of fact, the hon. gentleman's statement was erroneous in date. He has alluded to the battle of Marengo, and he accused the court of Vienna of having availed itself of the fate of that battle to enter into a treaty with us. The truth is, that the treaty to which he alludes was in considerable forwardness before the event of that battle was known, and even before it took place; therefore,

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the hon. gentleman cannot say it was entered into in consequence of the event of that battle, unless he can show that Austria knew the event of it some time before it happened. I cannot therefore see any breach of faith in the court of Vienna upon this occasion. — The next point is the case of the count St. Julien. He says, that count St. Julien must have had power to sign the preliminaries at Paris, because he had a letter from the Emperor. Now, upon this, I do not see any necessary connexion between a letter, the contents of which the hon. gentleman has, I presume, no means of knowing, and full power to treat as he did. Upon this the hon. gentleman makes a conclusion without premises; he concludes that this letter contains full powers, because he does not know them; and he calls for the production of the document. I do not feel it quite fair for me, who may be supposed to be acquainted with the contents of some documents to which the hon. gentleman refers, to argue much on them; but I will say, that count St. Julien had no such powers; that it is so declared from Vienna, and he has declared it himself; and this appears by the papers that have been published. Whatever credit is given to such papers by some persons, I do not know; but this I do know, that such credit neither is nor can be lessened by the non-production of the papers for which the hon. gentleman calls; and if so, neither the purpose of the hon. gentleman nor of the enemy will be answered. Besides, there is no reason to suppose that those papers which are not produced would, if they were published, reflect any discredit on this country or Vienna; for, as they are in the power of the enemy, who have never been over scrupulous upon points of state affairs or diplomatic delicacy, especially when they want to support their own cause, they might publish them, and therefore, as they have not done so, I apprehend the House will hardly follow the conclusion of the hon. gentleman in this particular.—Then, Sir, as I recollect it, the hon. gentleman proceeded on a different line of argument from that which I have hitherto been considering, that of the general conduct of ministers. He insists, not very advantageously for his own argument, upon our insincerity in the negotiation: what that has to do with our alliance with other powers, I am not able to see. The only way in which it appears to me that he can apply it is as an advocate for Austria; for otherwise I cannot see what use he can make of the insincerity of ministers in this country, supposing the charge to be well founded: this is much too old a topic to require much observation. He says, that I appeared to be surprised at what he said. I was indeed surprised a little; not at the proposition which he laid down, for it was absolutely simple; but my surprise was at the total change of the language of the hon. gentleman, as compared with what he and his friends have used on former occasions. But, not to dwell on these topics, I I would say, that not only the arguments made use of on this subject are worth nothing, but the very mode they adopt refutes itself. The very nature of the transaction excludes insincerity on our part. Indeed, it is impossible that the question of sincerity should arise upon it. If the House examines it, the propriety of this observation must be apparent. I need not remind the House, that what I now speak of relates to the late negotiation at Lisle. Why, Sir, a negotiation between states is like a bargain between individuals. The negotiation is the beginning of a treaty, the bargaining is the beginning of a bargain. Why, then, I say, that, according to the common sense and common parlance of mankind, you never introduced the idea of sincerity into a bargain. We have all heard of sincerity in friendship—of sincerity in love,—but we never heard of sincerity in a bargain. For instance, when a man buys a good estate, it would sound oddly if any one were to say, "Aye, aye, it is very true, it is a very fine estate, and I hear that such a one has bought it; but I am afraid that he is not sincere in the purchase:" —or if it was a cheap purchase, that one should say, "I hear it was sold for a song, but I do not believe they were sincere in the sale." The truth is, that sincerity is a thing which has no bearing upon the subject; and therefore there is no room for any observations upon the sincerity of the parties—the nature of the subject excludes the idea. Observations on sincerity of the parties in a bargain, are as incongruous in their nature, and as devoid of sense, as if you were to talk of a square colour, or a green figure. This is a way of talking which is absolute nonsense, because the ideas for which the words stand do not mix.—But, I wish the House to consider,

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whether ministers really did not do every thing in their power to facilitate the negotiation, and whether they did any thing to retard it: I say it was broken off by the enemy. Another part of the observations of the hon. gentleman has no bearing whatever on the subject of the sincerity of the ministers of this country in the negotiation at Lisle, although he connected them together in his speech. He seemed to insinuate as if the manner in which the negotiation was conducted was inconsistent with the attention which was due to M. Otto. I do not know why the intervention of captain George upon that negotiation was made a matter of objection by the hon. gentleman: he was familiar with M. Otto: he was the best channel that could be chosen to conduct the business; and by the means which were taken, the purpose for which they were taken was completely answered. With respect to Mr. Hammond, you should consider how he stands: he is a confidential under-secretary of state; and no person could be employed in that business who was fitter for it: nor is it the first time that this course has been taken; it has been a common practice; it was so on the part of the French government. What that gentleman was to the French government, Mr. Hammond is to this; indeed, it was the case of the celebrated Matthew Prior; and why not, I should be glad to know? But this is only an additional instance of that sort of jealousy which our enemy knows how to express; when they want an excuse for perverseness, they can, on any occasion, show a great attention to forms and ceremonies; and none can at other times affect to despise them more. There was another part of the hon. gentleman's speech to which I must again recur, and it escaped me while I was considering the subject of distrust with which he would impress this House on the papers relative to the negotiation—that while the emperor was supposed to be waiting for us, the negotiation was actually carried on by his plenipotentiary. Now, Sir, I have heard it said, that a pun will not bear translation; but here you are told that an argument will not bear translation. I do not presume to be expert in the translation, nor very acute in the comprehension of phrases in the French language; but it does seem to me, that although the observation of the hon. gentleman may do in English, it will not do in French. In English, it is said, in the indicative mood, that the plenipotentiaries are occupied; whereas in the French it is in the subjunctive mood, and implies that they should be occupied in the negotiation. And now, Sir, I come back to the head of argument used by the hon. gentleman on the general distrust which this House and the public ought to have of his majesty's ministers. Upon this occasion the hon. gentleman, by way of episode, took notice of the state of affairs in Egypt. Why he did so is not clear, at least to me; for it seemed to have no bearing whatever upon the other parts of his address to the House. How far want of foresight is to be imputed to the government of this country, or how far rashness may be attributable to us, I will not say; but that there was any breach of faith in the case, I deny; and indeed that is a charge which the hon. gentleman has not attempted to prove. That there was a breach of faith on the part of the French, the hon. gentleman, whatever he intended, has proved. He talks of the postscript of Baudot, and treats it as a thing not to be regarded; whereas, it is most important in the consideration of this subject; for he says most expressly, speaking in the name of general Kleber, "that, from the real wish he has to give the most positive proofs of his good faith, whatever may be the fortune of war, the French army shall evacuate Egypt immediately after the arrival of the necessary passports from the English government, and of the number of vessels stipulated for the transport of the troops." Upon this statement it is evident that they did not make good their own engagement. As to the argument of the hon. gentleman, upon the supposition of an army of the enemy being in Ireland and of its departure thence being opposed by an ally of ours, after it had been agreed between the enemy and us that it should depart, it is to be observed, that the proposition which the hon. gentleman builds upon it arises out of that which is subject to much qualification; because a nation may be so situated as to have good faith to observe to more allies than one at one time, and it may so happen that the one shall be against the other: it may also turn out that its own interest may be equal to both; in that case, a nation like an individual, has only a choice of difficulties; and upon this principle we were perfectly justified in what was done on our behalf in Egypt. As to what has

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been said upon the engagement of sir Sidney Smith, he was only constructively concerned in the treaty which has been so frequently alluded to. Another part of the hon. gentleman's speech referred to a topic, in the discussion of which he borrowed a good deal of what was said the other night—I mean the conduct of the war. I do not mean to go at large into it: for after all, discussion will do less than we might wish; for the question depends greatly on the value which may be set on certain things, upon which I must take the liberty of saying, that neither now, nor on a former occasion, did the hon. gentleman lay out the fair grounds of the question, or define correctly the object on which it does or ought to turn. He states as one thing what in point of fact must be true. It is one thing to say whether a war is successful, and another whether those who conduct it are to blame: these two points do not depend upon one another; so far from it, that a war may be unsuccessful, and those who conduct it are not to blame; and a war may be very successful, and yet those who conduct it are very much to blame. And when you come to judge of the war itself, it is not to be calculated dryly by what is won or lost; it is not a comparison of what you have had, and what you have now in your possession. This is indeed, at first view, plausible enough; but it is not the real way of judging of the effect of a war. Some would judge of the success of a war by comparing the state of the country at the commencement of the war, and at the conclusion of it. I say that is a defective, and sometimes a fallacious way of judging. I say, the true comparison is, what would have been the state of the country if no such war had been entered into. I take this mode of stating the point, under a supposed admission that this war could have been avoided on our part. In that conceded condition of the subject, I contend that no man in this country can say what would at this hour have been its condition if this war had never been entered into. We are all, I believe, ready to admit that our condition is now, upon the whole, infinitely better than it would have been if the war had not been entered into. Not that you are now better off than you were at the beginning; that was not undertaken; that would be an absurdity on the face of things. What would you say, for instance, of the glorious defender of Acre? Is that fortress better now than it was before that brilliant conduct of sir Sidney Smith? Certainly not: and yet I should be content with half the glory of that action as the reward of my military life, were I in that branch of the public service. I mention this to show that we are not to compare what our situation was before a war, with the situation in which we stand at the conclusion of a war; the true comparison is, between our situation at the end of a war, and that which would have been our situation if no such war had been entered into. All this I have hitherto gratuitously taken, under a supposition that the war, on our part, might have been avoided—a concession which I only made for the sake of the argument, for a moment, and which I must now recall, as the argument is disposed of—because most unquestionably the war was compulsory on our part, by the direct and immediate obligation of good faith pressing upon us, without any choice on our part, without a surrender of our honour. Far be it from me to say, that I think administration want any thing to be said in its justification upon the commencement of this war; if there be any justification wanting, I think it ought to be applied for on the other side. We are by this war still kept, in the estimation of some at least, an independent country. Here we are, I say, whether merry or not, I do not know—but here we are, supposed by some to be a nation blessed with happiness, with commercial prosperity, an abundance of wealth until the present hour unknown to any part of this world, with a free constitution, entire, untainted with republican law or Jacobinical morality. Here we are; and this is our condition; and this I say we owe to the present war; but if the counsel of the hon. gentleman, and those with whom he has uniformly acted, had been followed by this House, this country would now be in the same situation, or some such situation, as that of Tuscany, Switzerland, Spain, or Holland. America has indeed, by its happy distance from the scene of action, kept out of the sphere of the degrading modern politics of a great part of the old continent. That which comes last, though not least, and upon which the whole of this motion is, founded, and which is its avowed object to attain, is, peace—peace, such as the hon. gentleman describes. Now, when a gentleman tells me, that I consider peace made with a Jacobinical republic, as no-

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thing better than a thing to be made choice of as the lesser of two evils, I did not expect that I should be told, we can, upon my principles, never have a peace, because this is equivalent to saying, I shall make choice of the greater evil of the two. To correct that mistake, I will say that when I see the continuance of the war a greater evil than making a peace with a Jacobin republic, I will vote for such a peace, however depressed my spirits may be, or however melancholy it should appear; I would make use of it as the lesser evil of the two. That things will always continue as they are now, I do not pretend to say; for they vary according to circumstances; but I tell the hon. gentleman freely, I think that the danger of a Jacobin peace may have some abatement; for, the contradiction, the explosion and the execration, of the modern doctrine of the rights of man, in my opinion, has abated the danger which would attend the making of peace with a Jacobin republic; not that it is free from danger, for danger there always will be in such a peace; but the danger would now be less than it would have been at one time. But because the danger of war may possibly be greater than the danger of such a peace, therefore would I embrace peace as the lesser evil of the two; but, considering that sort of peace of which the hon. gentleman is the advocate, I must confess that I can hardly foresee the extremity of danger into which this country can be brought by war, which would make one consider a greater evil than such a peace. Gentlemen talk of the spirit of peace, by which they explain themselves, to mean that we are to lay aside all jealousy of the principles of a Jacobin republic, and that we are to cherish such principles, and with pure love take the fraternal embrace and kiss. I say, God avert such a peace from this country! We have for centuries been in the habit of making peace with the ancient monarchy of France, without entering into the spirit of its monarchy. Do they mean to say, that I can enter into the spirit of perfidy of Buonaparté, or of his plunder or rapacity? Or am I to suppose that, after a peace is made with him, a miracle will be wrought in his favour, and that the whole of his character will change—so that he may be considered the friend, who has hitherto been the implacable foe, of this country, and who has given up other points of great importance, in his opinion, in order that he might the better carry into effect his hatred against England? The hon. gentleman talks of one particular person (Mr. Fox), on whose principles alone peace can be obtained: I have great respect for the talents of that person; but his opinions and sentiments upon this war I neither can admire nor even think of without repugnance—they are indeed adapted to the peace of which the hon. gentleman has spoken this night. Let the House consider how they listen to propositions for peace, do away alliances on the continent, and put an end to means for carrying on the war for the sake of making way for the counsels of those who want to make a peace of pure love with a Jacobin republic, instead of the spirit which this country ought to cherish of jealousy against such pernicious principles.

Mr. *Grey* said:—After the plain and honest declaration of his principles which the right hon. gentleman has now made, the house can be at no loss to discover his real view; and if the right hon. gentleman's friends go all the length which he goes, the country will surely open their eyes to their true situation. The right hon. gentleman is so fully convinced of the advantages of general argument, that even on a subject where my hon. friend chiefly confined his attention to a particular point, he has thought proper to employ it throughout his speech. It was not asserted by my hon. friend, in the vague, indeterminate manner which the right hon. gentleman insinuates, that general confederacies were at all times and in all circumstances unjustifiable or ruinous. He did not say that they might never be subservient to important purposes, or that their object could never be precise or intelligible; but what he asserted was this, that confederacies among the members of which there was no harmony of design, no concert in operation, no cordial wish for a common end, whose object was unintelligible, and whose aim was not explicit, were destructive to any state. If the right hon. gentleman is prepared to show that the object of the present contest has ever been accurately defined, or cordially pursued by the confederated powers, he will do more than he can ever accomplish by his general arguments in support of confederacies, the utility of which, in particular emergencies, is universally allowed. The right hon. gentleman has made an allusion to a cele-

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brated publication of Dr. Swift. As he has directed my attention to this publication, I think I can help him to an allusion which bears much more closely on the subject. That author, in one part of his Directions to Servants, recommends to them to shut up cats in a china closet, and, after they have broken all the ware, he tells them, they ought to express wonder at the devastation, and to exclaim, "Who would have thought it!" As servants are recommended thus to excuse their negligence; so ministers, after the successive defection of the confederates in the contest, may perhaps be ready to ask, with surprise, "Who would have thought it?" But, Sir, I say, that from the manner in which the connexion between those confederates arose, from their possessing from the commencement no similarity of design, they ought to have foreseen these various disappointments. If France had seized some particular territory, and a few of the neighbouring states had united for the purpose of driving them from it, their object would have been explicit, their wishes would have been directed to a simple point, and defection would naturally have excited surprise. But when the war on the part of Austria was from the first a war of aggrandizement, and when Prussia was induced to engage in it from a temporary inattention to her interests, was it extraordinary that defection soon took place, and that the spirit of confederacy was broken? The right hon. gentleman has told us, that sincerity in negotiations is not necessary, that it is not to be expected in the first stage of a proposal for peace. But I would ask that gentleman, what is the foundation of all intercourse between states, what is the meaning of such representations, if they are to be distinguished by a total absence of good faith? Are they not designed to be an expression of an intention to execute certain agreements; and is not a belief that this intention is sincere, essential to any permanent treaty between nations? If no such sincerity is required, I would ask why, in all the papers that are laid before this house, there seems such a strong desire to impress a conviction that his majesty has been actuated by it in every negotiation? Does not this anxiety betray at least a wish that an opinion of sincerity should exist?—The right hon. gentleman proceeded next to the consideration of the success of the war; which is indeed the grand point on which all our discussion centres. He denies that the statement which we employ is a fair one, or that the method we use to the completion of its object is justly applied. He says, that we ought not to estimate the success of the present contest by the situation of the country at its termination, but by a calculation of what would have been its state if the war had not been undertaken. This, Sir, is a very convenient mode of reasoning for that gentleman, and affords a fine field for him to declaim on the probable effects of our continuance in a state of neutrality. He tells us, that the consequence of not going to war at the time when we engaged in the present contest, would have been the loss of our religion, our commerce, our liberty, our laws, and all our domestic enjoyments. Whatever may be that gentleman's opinion, there were few of the people of this country who would not wish that the comforts they enjoyed at the beginning of this contest were restored to them: who do not think that no danger from external principles could place us, as a nation, in a more perilous state than that in which we now stand. The right hon. gentleman says, that it is unfair to expect the garrison to be in the same situation after a severe siege as it was before that siege began. He asks, if Acre was in as good a state after the glorious defence of sir Sidney Smith as it was previous to the attack? No man can think more highly of the spirited conduct displayed in the defence of Acre than I do; and if the great objects of the war had been as effectually promoted, perhaps the right hon. gentleman might have had better ground of triumph. If having undertaken the defence of Holland we had succeeded in protecting it against the French arms—if, having engaged to rescue Belgium from the yoke of France, our efforts had been crowned with success—if, having wished to save Savoy from her grasp, we had obtained our end—if, desiring to confine her dominions to the Rhine, we had accomplished our object—if, being anxious to drive her back within her ancient limits, we had gained our purpose—if we had been fortunate in any of these schemes, there would have been some colour of reason for gratulation; but, under the actual state of circumstances, it is the height of absurdity to talk of success.—Leaving this, however, I only ask, if the war has been so successful, why are we so anxious to secure a joint negotiation, why are we

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not allowed to obtain peace on the ground of our own acquisitions? The pertinacity of ministers in courting these joint negotiations, is the best proof that our situation is not such as the right hon. gentleman would have us believe. I am astonished that the right hon. gentleman should call the paper of general Kleber's aid-de-camp an engagement on the part of that general to evacuate Egypt. It is evident, on the slightest inspection of dates, that the expressions in that paper were merely the result of private suggestion, as no communications had passed from the time that the general's letter was composed. But, Sir, it gives me still greater astonishment to see any such importance affixed by ministers to the communications of an inferior officer at that time distant from his chief. I am astonished that the same gentlemen who have all along talked so lightly of the powers of sir Sidney Smith and count St. Julien, should give such credit to the mere private suggestion of an officer who was never supposed to have any power to conclude a treaty. I wish this subject to be fully investigated. I am satisfied that ministers, in this transaction, have not discovered good faith. I repeat what I formerly said, that officers in sir Sidney's circumstances have a right to enter into negotiations of a nature similar to the treaty of El-Arish. Frequent instances of this have occurred in all wars; without enumerating them, I will merely allude to the case of Malta, where the conditions of the surrender were settled by an officer possessing a secondary command. I shall now express my opinion shortly on the papers which form the ground of the motion. Three great questions seem to arise out of these papers,—1st, Whether a naval armistice was, *prima facie*, objectionable? 2dly, Whether the modifications proposed in the course of the discussions were particularly exposed to objection? and 3dly, Whether, supposing the proposed terms were such as could not be entertained, ministers were justifiable in not acceding to the proposal of a joint negotiation? My hon. friend does not disapprove of the conduct of ministers in their general principle on the first of these questions. But, though there is a general concurrence on the objections to a naval armistice, some distinctions necessarily occur betwixt the sentiments of my hon. friend, and the ideas of ministers. If once the principle of an armistice is admitted, I do not see that the terms of the French are particularly unreasonable. I am disposed to agree, that the establishment of a naval armistice, to the extent proposed by the French, is, according to the statement of lord Grenville, unprecedented. But I will ask, whether there is any precedent of two confederated nations, the one of whom was allowed to treat with the advantages of an armistice, while the other was admitted to negotiate though continuing to exert all its force? It is plain that the difference in the relative situation of the two powers could not possibly admit of their treating on terms of equality. If one of the confederated powers has the means of annoying the enemy, while, by means of an armistice to the other, reprisals were prevented, the ends of an armistice would be defeated. The purpose of an armistice is, to put it in the power of the belligerent parties to treat on the footing of their situation at the time of its being formed. But, suppose the war minister, during the continuance of the armistice granted to Austria, had employed in some effective object that force which he rendered during the last campaign the laughing stock of Europe—suppose he had fitted out an expedition which had been successful in the conquest of Holland, or in any other way had assisted the Emperor in repairing his disasters, and preparing new means of defence: on any of these suppositions the French would have lost not only the advantages they had given up, but would be in a much worse state than they were in when the armistice was granted. There is nothing, then, surprising in the wish of the French to conclude an armistice with us on terms which should give them some return for the advantages which they pretended to have conceded to our ally.—But had France really given up any such advantages as entitled her to make this demand? The language of France is plainly this, "I have given up to your ally many striking advantages which the state of my armies had secured: I have consented to an armistice, by which I have departed from that ascendancy which long success had procured; and before I admit you to negotiate jointly with your ally, I require you to give up part of your relative superiority as a compensation for my sacrifices." Here lord Grenville says, that the principle proposed is unprecedented, which I allow; but, this being

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waved by the admission of the principle, will any man deny that France did give up very important advantages, which entitled her to hold high language on this subject? It is conformable to the general principle of human nature, that victories should rouse the spirit, and ensure the superiority of a people. This courage, and this superiority, are augmented, in proportion to the continuance of these victories. Apply this principle to France, and say, whether the French army had not acquired this superiority. The French troops were not merely elated by the successful battle of Marengo, but the whole country, from the Rhine to the Danube, had been the scene of their triumphs! They were enflamed with ardour for new conquests, and despised an enemy whom they were accustomed to conquer. On the contrary, the Austrians were dispirited by defeats, their resources were exhausted, their numbers alarmingly diminished. France, then, was in a situation of relative superiority at the time of granting the armistice, and ministers have no reason to take merit to themselves for their sincere desire of peace in acceding to the principles of a naval armistice, which so many considerations opposed. It was next to impossible for them to refuse this proposal *simpliciter*; and they are convinced that a refusal in the first instance would have been viewed as the most determined proof of hostility. Still, however, there were so many objections to the adoption of the principle, and the modifications which could at all sanction its adoption, that little expectation could be entertained of the success of negotiations of which this was to form the commencement. These modifications appear in the course of discussion to have been reducible to two points; and these referred to the sending out of reinforcements and supplies to Egypt and Malta. I can never think of Egypt having thrown a bar in the way of negotiation, without, at the same time, remembering, that it is to be ascribed wholly to the fault of ministers that it has not been evacuated. No man is more sincerely anxious for its evacuation than I am, and no one would condemn more strongly any permission which might be granted to the enemy to acquire new means to retain it under their power. If even the supply of 1,200 men would have removed one of the obstacles to negotiation, I would have objected to purchase negotiation on such a condition. Whether the other point could have been modified in such a manner as to be free from objection, I shall not now pretend positively to determine; but I conceive that it presented so many difficulties, as to preclude all possibility of its adoption.—These, then, are objections conclusive against the adoption of the principle of an armistice as proposed by the enemy. Let us see what would have been the advantages of an armistice, as modified by our projet. The fact is, that, by modifications which this required, not one single advantage could have accrued to France; in no one point of view would it have served to equal the sacrifices made by the French in the armistice to Austria. From a review of the whole circumstances of the proposed armistice, I see reason to believe that the proposal was never intended to be seriously adopted by either party; and I can view the readiness with which both embraced its principles to be merely a trial of diplomatic skill.—But, to come now, Sir, more directly to the point before the house: the principle of joint negotiation is so involved in difficulties that it comes to be rejected; but though the negotiations cannot be begun on this principle, the enemy offer us an opportunity of treating separately for peace. The precise point here is, whether, knowing, as we did, the disposition of our allies on former occasions, seeing, as we have seen, the general conduct of Austria in the present war, ministers were entitled to sacrifice the peace of the country to the prospect of any advantages to be derived from joint negotiation? In reflecting on the advantage of joint negotiation, it might appear at first to be more adviseable to connect our interests with those of our allies, in proposals for peace. But a review of all treaties and negotiations serves only to prove that this notion is erroneous.—My hon. friend stated, with great force, the ruinous consequences of the greater number of confederacies; and I may now add, that the same objections, with little variation, apply to joint negotiations for peace. The interests to be attended to are so discordant, the compensations to be made are so much the objects of jealousy, and the propensity to opposition is encouraged by so many circumstances, that it is not wonderful that they are so seldom followed up with success. The treaty of Utrecht places these truths in a clear point of view; and though it has been frequently

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objected to, I cannot help saying, that the previous conferences at the Hague, Gertruydenberg, and Utrecht, afford little room to hope that in any case joint conferences promote the cause of reconciliation. This truth is more strikingly illustrated in the peace of Ryswick, in which William, whose attachment to the liberties of Europe is indisputable, was so sensible of the nature of joint negotiations, that, in spite of the warm remonstrances of Spain, and the still more indignant opposition of Austria, he signed the articles of that peace. I might illustrate this by later examples, and, in particular, by the conferences opened in 1758 and 1759, when a wish to bring about a general negotiation failed of success.—There thus appears, Sir, to be nothing in the general nature of things, or the events of history, to induce an opinion favourable to joint negotiation. But is there any to call for its adoption at present, from the particular circumstances of the case? If it is contended, that our conquests from the enemy are extensive and important—by a joint negotiation we should lose the benefit of their influence; whereas, in separate proposals we might give them their due effect. Here, however, I shall perhaps be told, that joint negotiation is necessary to keep up the balance of Europe. Without entering into the controversy on the importance of this supposed balance, let me only ask what a joint negotiation would enable us to effect? Allow that Austria is a great link in the chain that binds Europe together, what could you procure by a joint negotiation? Could you procure the restoration of Belgium? There is no reason to think that any thing we could throw into the scale would procure its restoration. But if its restoration could be procured, was there any reason for thinking that the Emperor would take it back? So far from wishing its restoration, it appears that, in 1793, he would have given it up to the king of Prussia if he would have engaged to defend it. On the side of Italy, our influence could be even less felt in a joint negotiation; and in this contemplation of things, ought we not seriously to pause before we consented to prolong the miseries of war for the sake of serving the interests of Austria? In former periods we had proofs of the gratitude we had to expect from that power. In 1756 did we not support her cause, and did she not join that very enemy against whom we were fighting her battles. In the American war, she not only did not afford us any support, but she actually countenanced the infancy of that northern confederacy, which even then was beginning to show its jealousy of our naval dominion. As I see nothing in reasoning, in history, or in the particular circumstances of the case, to inspire a wish for joint negotiation, I shall conclude that ministers are highly culpable in refusing to treat separately for peace.—But here an objection to my conclusion presents itself, in the affirmations of ministers, that this would be a gross violation of our national good faith. I will allow, that the preservation of good faith is of the last importance; that it more exalts a nation, than fleets and armies, than victories and triumphs. But, before we give way to this plausible objection, let us see whether separate negotiations would falsify our engagement; and next, whether our ally has not previously violated his engagements. We have had evidence, on former occasions, that engagements to allies have been made the pretexts for rupture when these very allies did not wish our interference. This was the case in a striking manner with regard to Holland at the commencement of the war. We were then told, that our good faith called upon us to assist our ally, though I believe that ally then deprecated our assistance. So I conceive it to be in the present instance; and before we are led away by the fine pretence of good faith, we ought to be satisfied that our ally desires us to join in negotiation. That we have stimulated Austria to persevere in this contest, cannot be denied; but I see no evidence that, prior to the remonstrance of lord Minto, the cabinet of Vienna wished to include us in her negotiations; I can discern no proof that the act of that cabinet was spontaneous and unconstrained by external influence.—As to the second point, whether the Austrian cabinet has violated its former engagement: I know, Sir, that the chancellor of the exchequer's assertion will be produced as decisive testimony: but, I would caution the members of this House not to place such confidence in these asseverations. I would call upon them to remember, that the same testimony vouched for the solidity of that confederacy of which the magnanimous Paul was a member; it was the same right hon. gentleman and his friends, who, after

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the successive desertion of our allies, gravely told us that these allies were blind to their own best interests, and that nothing on the part of his majesty's ministers could justify their treachery. When I see that they have been so often deceived, I must hesitate to give implicit testimony to their assertions about the fidelity of our ally, while I must lament that the papers which alone can ascertain this fidelity have been so obstinately refused. As these papers, however, are refused, we are left to calculate on what is kept back by what is disclosed. Now, Sir, let me ask the gentlemen on the other side to recollect, that the treaty with Austria was never concluded till the news of the disastrous battle of Marengo had reached Vienna. I ask, whether, prior to that time, the Emperor did object to come into any positive engagements of not making a separate peace; and whether his co-operation was not refused till his assistance in the common cause was rendered useless by the fate of war, and the conclusion of the armistice. This armistice is to last till the answer returns from Vienna; instantly St. Julien sets out for Paris, and, in the mean time, the armistice continues. Now, I say, that, from this prolongation of the armistice, Buonaparté must have supposed that St. Julien did treat by the orders of his sovereign, else he could never have consented to continue an armistice from which he lost opportunities which might never return, and gained nothing but the hope of peace. St. Julien signed preliminaries, said M. Otto; he did not, affirms lord Grenville. The Emperor has been uniformly faithful, re-echoes the chancellor of the exchequer! I wish them to see the whole of the matter cleared up and explained by something better than contradictory testimony. At length the notion of a joint negotiation is started; a determination seems to be formed on the part of the two courts, to co-operate with each other in vigorously resisting the common enemy in the event of a peace being refused. The discussion for a naval armistice takes place, and, on its failure, our great ally resolves to take the field to resist his ambitious foe. He hastens to leave his capital with solemn preparation; his last will is deposited in the hands of his friend, and, like another Decius, he departs to offer up himself for his country, Does a vigorous prosecution of the war ensue? Are the first days of his command signalized by a bold resistance or a glorious victory? None of these things take place: he terminates his warlike career by an armistice! Is this the ally so much distinguished by fidelity? Is it for him that we are called upon to make still further exertions? Is it for him that we are called upon to make still greater sacrifices? But gentlemen tell us, that the cabinet of Vienna heard of the late breach of neutrality with indignation, and that they coupled together the words Perfidy and Tuscany. But, Sir, I see none of this boasted indignation. I see, indeed, that the council sat in solemn debate for several hours; that general Bellegarde, like his illustrious master, makes a show of resenting the injury; and the result I find to be a new truce, by which the two armies are to share the unfortunate country. From all these circumstances, and from the face of the papers, I think, Sir, that ministers have acted very unwisely in rejecting the offers made for a separate peace; for, have we not already attempted a separate negotiation, and may we not finally be compelled to treat separately? On this point the secretary at war speaks boldly and openly. Does he not say that we should not negociate, or think of peace, only as a lesser evil, and that even when it is concluded, it must be with an hostile mind? Ministers, then, will not seek for peace in the spirit of peace and reconciliation, by which sentiments only a secure and lasting peace can be obtained. Besides, when they are known to be actuated by opposite tempers, must not a proposal of peace from them be sufficient to defeat its conclusion? Such proposals from them must be a confession of weakness; for it cannot be supposed that their malice is assuaged, or their animosity abated. On the contrary, they will think of nothing but courting new alliances, and of continuing a contest in which they will still be foiled, unless this House interferes, and recommends the administration of our affairs to hands more capable of rescuing us from our present difficulties and dangers, and of restoring to the country the blessings of peace."—Mr. Grey, after adverting to the late conduct of Russia and Prussia, and to the claim which the northern powers seemed again inclined to set up to the independence of their flag, observed, that ministers might have easily foreseen this effect of the change of their

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disposition towards England, but that they had taken no measure to avert it. As all these proofs of incapacity and want of foresight must be evident to the House, he would give his most cordial support to a motion, the adoption of which might speedily tend to disentangle the nation from its present embarrassments.

Mr. Secretary *Dundas* said:—Sir; the chief object of the motion which has been made, and of the arguments we have heard is, to convince us that it is not our interest to connect ourselves with Austria; and this is the advice which the gentlemen opposite give us at a moment when the recommencement of hostilities between Austria and France has been announced, when we do not know whether hostilities have not actually recommenced, or what has been the issue of the conflict. But we do know, that the advice which the hon. gentleman gives us is neither more nor less than this—to say to France, "press upon Austria as hard as you can, for we have counselled the king of Great Britain to give her no assistance." This is the general object of the motion; it does not say whether the ministers have acted hitherto right or wrong: indeed, one part of our conduct has met with applause — I mean, our not consenting to a naval armistice. In arguing then upon this ground, I need not remind the House of that established maxim of our constitution, that, in all questions of peace or war, the decision belongs to the king, and that it is not the province of this House to interpose, unless upon very important occasions. These occasions can scarcely occur, except when the interposition of the House ought to be accompanied with an advice to his majesty to choose new counsellors. Gentlemen will not surely deny that we are as sincere in our wishes for peace as Buonaparté. We have been told, that our treaty with Austria ends in March; but gentlemen have not told us, that government are precluded from maturely deliberating whether it would be for the interest of this country to renew the engagement. Whether it may be proper or not to renew that engagement, must depend on circumstances. In the best times of this country, it has ever been considered the interest of this country, when at war with France, to obtain a powerful ally on the continent. If this general maxim is admitted, I do not think that the gentlemen on the other side are better judges whether Austria is a good ally than we are. The result, then, is, that they are calling upon his majesty to take their advice, which they acknowledge they are not in a situation to give. Gentlemen are very fond of using the word peace; but I wish to guard the House against the effect which it may produce. Before they are influenced by an expression, let them ask themselves whether peace can be obtained or not? It is surely worth while to ascertain that point, before they tell the enemy that the country is in such a situation that, if it does not obtain peace, it must be ruined. Now, though I am far from believing that any such consequence would ensue if we do not obtain peace, yet, I think it would be as well if such language were not held, unless it be the opinion of gentlemen that peace upon any terms ought to be obtained. If gentlemen advise us to give up our connexion with Austria in a negotiation for peace, we must consent to give up any assistance we might derive from her co-operation in war. We are in a situation in which we do not know upon what terms we can obtain peace: we may be forced to carry on the war; and would it, under these circumstances, be prudent in us to shake off the only powerful ally we have upon the continent? Many persons think we should obtain better terms of peace if we were to negociate separate from Austria; but whatever their opinion may be upon that subject, they must agree, that, until we arrive at the period of negotiation, the assistance of Austria must be of great importance. Whether, with a view to that assistance, we ought to grant another subsidy, is a totally distinct point: the question is, whether we ought to say to Austria, we may be obliged to continue the war, but we will not take the benefit of your assistance? If, then, the motion of the hon. gentleman be rejected, no possible inconvenience can ensue; but if we adopt it, its consequences may be most injurious, because we shall tell the enemy, that after March next, Austria will no longer be our ally, and that France may take her measures accordingly. The hon. gentlemen assert, that the cabinet of Vienna would not sign the subsidiary treaty with Great Britain, until it received the news of the fatal battle of Marengo. This has been advanced and argued upon confidently; but I do assert that the treaty was signed five days

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before the event of that battle was known. But the hon. gentleman is a perfect Iago in his ingenuity in finding out, and his dexterity in insinuating, causes of suspicion. With a countenance of great sagacity, and in a kind of solemn half-whisper, he says—"Mark, the Emperor goes to the army, as if with an intention of carrying on the war with vigour; but the moment he receives our second instalment of the subsidy, he concludes a fresh armistice." Now, Sir, this might be important if it were true; but, very unluckily for the hon. gentleman's argument, the second instalment of the subsidy has not yet reached the treasury of Vienna. The next circumstance, upon which gentlemen rely, is the treaty signed by count St. Julien: they contend, that he was authorized to sign that treaty, and that, if his powers were produced, that fact would appear. Now, Sir, it may, I think, be fairly supposed, that M. Otto was furnished by his government with every proper instruction to enable him to carry on the negotiation; and it is rather odd that, if the French government were in possession of a document which would prove such an important fact, they did not enable him to produce it.—I do not mean to say that Austria has at no time been pressed so hard as to render it necessary for her to enter into a treaty with the enemy; but I assert, that, from the treaty of Campo Formio down to within a very few hours, the Emperor has shown no disposition to break his treaties with this country.—Sir, the question between this country and France is now a question of terms: we are ready to negociate, always bearing in view the treaties in which we are engaged. With respect to the question, whether it would be more advantageous to us to negociate separately, or in conjunction with Austria; much may be said on both sides; but on such a subject as this, I think the testimony of Buonaparté is important: he is supposed to understand the interests of France; and his being so anxious to negociate separately, is a strong proof that it would not be for the advantage of this country. I am not deciding whether he is right or wrong; but I say, that it is not fair to call upon ministers to decide in one night upon such an important question. Some observations have been made upon a right hon. friend of mine (Mr. Windham), to whom singular opinions are attributed. He thinks that if the revolutionary principles had not been checked, this country would have been ruined. Sir, that is my opinion also; and therefore I have not troubled myself with discussing who was the aggressor (though not a doubt can be entertained that France forced us into the contest), I have always thought it was not worth the lungs that were wasted in debating it. If the French government had been suffered to go on receiving deputies and ambassadors from every disaffected society in this country, we should not have been safe for one year. Jacobinism, we are told, is dead in this country: I hope it is; but I am not quite sure that it may not rise up again; there is one circumstance which, above all others, induces me to hope that it is: I see gentlemen are inclined once more to make the House of Commons the place in which to pursue their ambition. We know very well that it was one of the fundamental principles of Jacobinism, that ambition was to be pursued every where but in the House of Commons. I therefore highly approve of the conduct of those gentlemen in coming back again. I am even glad to see them again embodied in a phalanx, and exerting their abilities against us, however much I may suffer by their lash. I will however, endeavour to bear it with patience. I am glad to see them apparently such good friends; for I had rather see them embracing and fraternizing here than in any other place. I give my decided opposition to this motion, because I think it might, if adopted, be productive of the most serious mischief.

The House divided:

Tellers.

Yeas	Mr. Whitbread - - - Mr. St. John - - - -	35
Noes	Mr. Wallace - - - - Mr. Huskisson - - -	156

So it passed in the negative.

List of the Minority.

Biddulph, R.	Hussey, W.
Bouverie, hon. E.	Hobhouse, B.
Bouverie, hon. W.	Jeffreys, N.
Brogden, J.	Jekyll, J.
Burdett, sir F.	Jervoise, C. J.
Byng, G.	Jolliffe, W.
Cavendish, lord G.	Jones, T. T.
Combe, H. C.	Kemp, T.
Copley, sir Lionel	Martin, J.
Fitzpatrick, general	Milbanke, sir R.
Green, J.	Richardson, J.
Grey, G.	Robson, R. B.

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Russell, lord J.	Vyner, R.
Russell, lord W.	Walpole, general
Shakespeare, A.	Western, C. C.
Sheridan, R. B.	Whitbread, S.
Smith, W.	TELLERS.
Symonds, T. D.	Tierney, G.
Tufton, hon. H.	St. John, hon. St. A.

Debate on Mr. Robson's Motion respecting Corn used by the Cavalry.] Dec. 2. Mr. *Robson* said, that the motion he proposed to bring forward was of importance, inasmuch as, within these few days, nay hours, a change of circumstances had taken place with regard to provisions, which might render new measures necessary. Had not the most magnanimous Paul, who had so often been the subject of encomium, destroyed our hopes of supply from the Baltic, from which quarter so much was expected, and actually seized our ships and their commanders? Surely we had long enough been the dupes of such deception. This melancholy affair, which had so much to do with the price of provisions, was treated, when the subject of the war was last night before the House, in a most ludicrous manner: heaps of rubbish—mops and pails —were introduced, to complete the joke. The present cavalry establishment had been augmented beyond all precedent; and he could not but consider this as the most consuming, destructive engine of public expenditure. He wished to state to the House the number of cavalry kept now, and to compare it with what was kept during the American war. For home service the greatest number during the American war was 6,858, besides 494 in America, making in all 7,352, the cost of which was about 388,000*l.*: that war did not fail for want of cavalry; and he was led to look for some cause why this 7,000 cavalry, and the same sum of money, should not do now as well as then. He now found the regular disposeable force of this country to stand as follows: Guards 11,792; 23 Battalions of foot, composing 19,871; Invalids 6,099; Cornish Miners 633; Fencible Infantry 8,775; Militia 39,404; Scotch Militia 6,026, Dutch troops at the isle of Wight 5,000, making in all 97,600 men, besides different corps of flying artillery, corps of artillery, engineers, fencible marines, &c. Of volunteers bearing his majesty's commission, some were paid, suuh as the volunteer cavalry 16,000, East India House volunteers 2,000, volunteers over all England, at least 130,000. Total 148,000 men. To all these we might add the corps of barrack-masters, who were fighting for a good situation; and he would ask why, during the American war, we had 7,352 cavalry, which cost 387,977*l.* 5*s.* 4*d.*; and for this war we were to have 23,581, which cost 1,638,440*l.*? Why was the food of man to be now eaten up by 23,581 cavalry, especially when he witnessed such loyalty in the most trying times? When every one was crying out on account of their small incomes, and the shopkeepers were almost in a state of starvation, the soldiers were living a life of luxury upon the fat of the land. It was needless for him to point out the good consequences which would result from a reduction of the cavalry; the country called for it. He concluded with moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions that the utmost economy be used in the expenditure of corn by horses used in the service of government."

Mr. *Windham* said, that his answer to the hon. gentleman's motion was, that all possible economy in this respect was now used. And after all, any additional economy that could be used respecting the feed of cavalry, would be such a drop in the ocean as was not worthy the consideration of the House. The hon. gentleman's object seemed to be, not so much to reduce the quantity of oats consumed, as of horses; it went to the reduction of the military establishment of the country. If the hon. gentleman properly reflected on the extensive war in which we were involved, he would see it was no argument, that because we had had such a number in one war, we should have no more in another. The hon. gentleman might as well say, "Strike off so many ships of the line—reduce your expenses in time of war, and give so much to the poor." The object of the hon. gentleman's motion had been anticipated, and as considerable a diminution of the feed of cavalry had taken place as circumstances would admit of. The simple consideration that remained was, that if we were to have cavalry at all for public service, we must have them in good condition, and that could not be attained without allowing them a sufficient quantity of food.

Mr. *Jones* said, that this was a question between the food of man and the food of

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horses. Ever since parliament had met, the price of bread had increased. In Worcester numbers lived upon turnips; and in York, numbers lived upon greens, &c. Every thing ought to be done to save the country from starvation.

The *Master of the Rolls* thought the motion unnecessary: its object could be obtained without an address to his majesty to interpose: he should therefore move the other orders of the day.

The House was counted for a division; but there being only 34 members present, the House adjourned.

Debate on Mr. Jones's Motion for the Dismissal of His Majesty's Ministers.] Dec. 4. Mr. *Jones* rose and said:—Mr. Speaker; In consequence of the notice I gave some days since, I rise to bring forward a motion on the present war. I assure you, Sir, that it is most irksome and grievous to me to bring forward the proposition which I shall offer this night to the House for their consideration. As to its acceptance or rejection, no personal motives guide me; measures, not men, are my object. And, verily thinking that his majesty's present councils have nearly brought this question to death's door, my country, my constituents, and my God loudly call on me to do my duty in the most conscientious and determined manner. By the king's speech from the throne, on the opening of this session, and by the subsequent and rapeated declarations of ministers since, and peculiarly manifested in the rejection of a motion brought in by an hon. gentleman (Mr. Sheridan), as to a separate peace not being adviseable; however the councils of Austria may be changed, it is evident that ideas of making a separate peace have never entered into the heads of his majesty's ministers. It seems to be the determination of ministers to pursue this endless contest, and to go on in lavishing British blood, in spite of the calamities which have befallen us, in spite of the disgraceful failures which have occurred, and in defiance of the famine which now threatens to desolate the country. This war seems their idol, and they bow to their idol. And, moreover, they have made the nation bow low indeed, and have sacrificed to the bloody shrine of this their idol, millions of lives of their fellow-creatures, millions of British guineas, the fortunes of the middle ranks of men, and some of the dearest interests of the empire. —Let me stop to observe on the destruction of the middle order of men. Old France, before the revolution, had but two descriptions of people, the very highest and the very lowest. God forbid that only two orders of men should ever be found in old England! His majesty's ministers, Sir, tell you the resources of the empire are not exhausted. I hope and believe they tell the truth. God forbid they should be! But why do they tell you so? Because they suffer no diminution of income. Their annual income arises in great part from the public purse, and, in many cases, instead of diminishing, increaseth with the distresses of individuals and the general impoverishment of the empire. Here I must observe, I do not think many of his majesty's ministers over-paid; they earn their salaries by their industry and attention at least (however ineffectual) to their duty; but no man ought to have the salary of ten, which in three or four instances is the case, and in one particularly, (lord Buckingham's salary, as one of the tellers of the Exchequer), which increaseth with the war, from 3,500*l.* to 17,000*l.* per annum! There are two or three others equally enormous and noticeable.

In the first place, Sir, I object to the continuance of this war, inasmuch as it tends to produce the present scarcity, the dearness of all the articles of life, and the famine itself. The chancellor of the exchequer has said, that, in his idea, it does not produce any material scarcity. Sir, I must differ much on this point, and think it a primary cause, no doubt, as to an inland war, and I think I can prove it to be so. Why, Sir, when you recollect the enormous quantity of floating paper currency, does not that tend to promote monopoly and scarcity, and dearness of all provisions. Let it be recollected, that the chancellor of the exchequer has substituted paper, in short, downright assignats, for gold. That circumstance of itself is enough; but it is still worse, for the forgeries are so great, that I shall mention a fact which has come to my knowledge, that, at this time, no less than seventy bank clerks are occupied in the detection of forged notes all over England! Without doors what was the consequence? Such was the depreciation of this currency in the public opinion, that since the war every article of food and raiment has been doubled and trebled in price.—Furthermore, Sir, but for the

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war, British guineas would have remained on British land; instead of which, we have sent gold to Holland, Berlin, Vienna, Bavaria, Naples, Sardinia, and, in short, to all the petty German princes; and now, God knows their use, we pay 60,000*l.* per annum to foreign corps. I do not mean to say, that some of their regiments have not done their duty; quite the contrary. More of that subject presently, when I come to the Quiberon expedition; but I have heard the whole called, nothing more nor less than emigrant jobs. When I recollect all this, and the manner in which some of our allies have treated us, I must consider England as the common pack-horse of Europe; and, as to the famous Brissot, who was said to have set fire to the four corners of the world, I must think the chancellor of the exchequer has imitated him, and may be called the British Brissot.

Before I proceed further, Sir, there is a class of men mainly concerned in this war, and of whom I must speak rather forcibly. I know not one man among them, and therefore can have no prejudices for or against them, I mean the monied interest; and here too, Sir, let me premise what I mean by the monied interest. I mean not the fair, honest, old English merchant, whose liberal commerce is the source of our national wealth. I venerate that man, and esteem his character. But by the monied interest, Sir, I mean, in the strong and emphatical words of the late great and immortal lord Chatham, "that blood-sucker of government, which pretends to serve this or that administration, and may be purchased by any administration; that advances money to government, and takes special care of its own emoluments. I include in this description commissaries, jobbers, contractors, loanmongers, clothiers, and remitters."—Now, Sir, let us look around this country since the war, let us look even at this metropolis, and see how the monied interest has thriven, and how the landed interest has perished; contractors and loan-mongers are the only persons who have not been impoverished by the war. Their "palaces have risen like exhalations; their equipages shine in the streets like meteors; and their diamonds vie at the public theatres with royalty itself." Mark the contrast! and I will put it to the chancellor of the exchequer himself, whether the statement I draw be not true? How many venerable mansions are there now in this country, where general joy and known hospitality used to prevail, now blocked up, the carriages sold, and every thing marking poverty itself. Nay further, how many honest men, with as good blood boiling in their veins, as runs through the frame of the prudent loan-monger, are now, from the pressure of taxation, hiding their diminished heads in alleys, courts, and in prisons! How many miserable yeomen and shopkeepers are now immured within the walls of a gaol! Here I must notice the praise worthy interference of an hon. baronet (sir F. Burdett) on the unjust severity of late imprisonments, and say to the minister in the words of Churchill—

"Go to the prisons, to the Fleet repair,
"And ask, with blushes ask, if *Despard*'s there."

Why then, Sir, I do not think any honourable gentleman will get up and say, that evils of every kind do not flow from a state of warfare. I say war is life to the contractor, and death to the landed man. War is life to the loan-jobber, and death to the peasant; life to the jobber, and death to the mechanic; life to the remitter, and death to the shopkeeper; life to the clothier, and death to the labourer. The defection of an ally, animates the loan-jobber to new speculations; every battle and every gazette goad them on to advance money to the minister; whereby, to pay the interest thereon, he has already so wrung the substance of England, in carrying on his work of carnage, that he must draw the teeth, and rip up the bowels of the people. In the mean time, while these horrible enormities exist, sorry am I to say it, but it is a shocking fact, the people of England want bread; they have little else to subsist on, but what I foretold in my place on the 8th of May, they would have, if the war continued, "the bread of tears." I see the effects of war on the common people, in the soldier's loaf; I see it in the soldier's beef; I see it in the mechanic and artisan, and labourer and shopkeeper, torn as it were from his family, starved into the ranks, as in the reign of Robespierre in France, and trained in barracks, not to cut corn, but to cut down the people. Furthermore, Sir, every article of life is raised in price, and a system of general taxation prevails; add to this, the enormous increase of the poor-rates since the war. I have a document here to prove beyond contradiction

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that they have increased full five millions. Will any man say that this is not owing to the war? Will any man have the hardihood to contradict the fact? But of all the necessaries of life which are raised, there is one which I hope the minister will take some measure speedily to lower, for the comfort of the poor, and I trust one or two of the last heavy duties will be taken off; Sir, I allude to salt, and only say, that the word gabelle as used in in France may be misused in England. Every man knows the odium attached to the word gabelle. Sir, the people of this country are taxed, to carry on this war, from head to foot: and after all, comes, what I must call a downright and tremendous inquisition, the income tax, invented, no doubt, to curb the pride, and crush the spirit, and to break the backs, necks, and hearts of all good Englishmen!

However, Sir, under all this, there is one circumstance, which cannot fail to give comfort to every man, and that is, the great, the wonderful, and highly to be praised patience of the people, under all their sufferings. But I hope the minister will not construe literally the old proverb, that "silence gives consent." It does not always: and in this case, I fear he has inflicted so deep a wound in their feelings, that they only brood over their wretchedness in despair. The minds of men are much changed; they begin to discover that his majesty's ministers are not above the common level of men; they cannot but see the weakness and incapacity of ministers; and as they must see that they cannot carry on the war with effect, or enter into negotiations of peace with honour, they will soon cry aloud for other councils.—Sir, I cannot but repeat the praise-worthy patience of the people. And, as a representative in parliament, in the name of the whole British nation, in the name of the people of England, I take the liberty of asking the chancellor of the exchequer (which I hope he will excuse), not in any language of my own, for I have not words strong enough at command; but in the phrase of Cicero—"Quosque tandem abutêre patientia nostra, quem ad finem effrenata sese jactabet audacia?" The next objection, a very strong one too, is, that ministers have gloried in the failure of the negotiation. Perhaps they will say, that they have since treated. A word or two on that subject presently. Another most important act of their obstinate incapacity, is their having, in a most indiscreet and intemperate manner, refused to treat with the first consul of France, in what they call, a "wise and dignified answer," but which every other person thinks "unwise and undignified." Again, perhaps, they will say that they have lately treated on that correspondence, as far as Egypt was mentioned. I have already made one motion this session, and shall very soon refer again to it. The fact is, that, by having once so peremptorily refused to treat, they have let slip a glorious opportunity of making, perhaps, an advantageous and honourable peace, which may never again occur. The fact appears to be, that ministers seem afraid of peace, for they full well know a day of reckoning for their great misconduct must then arrive. They refuse official letters, they refuse enquiries into the state of the nation, they refuse to produce papers of any sort almost; but, as I said just now, men's minds are changed, and the nation will soon call for an explanation with one accord.

I hope gentlemen will permit me to enter rather largely into a wide field of politics, and into an examination of all our treaties. The first treaty I shall speak of is the one of his Britannic majesty with the empress of Russia, signed at London, March 25, 1793, and another February 10, 1795. On the late empress of Russia, I shall only observe, that I regret her death, inasmuch as that I conceive, in this æra of the world, her firm and resolute councils might have contributed to the welfare of the world; whereas the strange, desultory, moody madness of Paul 1st, seems only to tend towards increasing the sufferings of Europe. The second treaty I come to is between his Britannic majesty and the landgrave of Hesse-Cassell, signed at Cassell the 10th of April, 1793; a second convention, signed the 23rd of August, 1796. Peace concluded between France and the landgrave at Basle, the 28th August, 1795. The third is a treaty between his Britannic majesty and the king of Sardinia, signed at London 25th April, 1793. A suspension of arms with France, between Buonaparté and Latour, 26th April, 1796, and peace signed at Paris, May 15th 1796. Then followed an alliance, Oct. 24th 1797. The fourth treaty which occurs is the one with Spain, signed 25th May, 1793. Broke (as I agree with the minister) with "shameless atrocity," and

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peace signed with France on the 22nd July, 1795. I also agree with the minister, that her crime carried with it its punishment; and her fleet captured by her ally (France) proclaims her disgrace to the whole world. Moreover, after the conclusion of a peace, a treaty of alliance was signed by Perignon and the Prince of Peace, August 16, 1795. The fifth is a treaty between his Britannic majesty, and his Sicilian majesty, signed at Naples, July 12th, 1793. An armistice signed by Championet at Capua, 10th Jan. 1796. Another at Brescia, by Buonaparté, June 5th, 1796; and peace signed at Paris by De la Croix, Oct. 10th, 1796. The sixth is a convention between his Britannic majesty, and the king of Prussia, signed at the camp before Mayence, July 14th, 1793. A treaty of peace with France was signed April 5th, 1795. This I conceive to be a master-piece of political enormity and wickedness. Great stress seems to have been placed on this peace, as Reubell spoke particularly on the occasion, and it was printed and sent to all parts of the republic, and deposited in the archives thereof. The line of demarcation was settled by another treaty, and has been since most narrowly and cautiously guarded by the king of Prussia. The seventh convention which occurs is between his Britannic majesty and the emperor of Germany, signed at London, August 30th, 1793. Another signed at Vienna, May 5th, 1795. Another May 20th, 1795. The preliminaries of Leoben are confirmed by the fatal treaty of Campo Formio, 17th Oct. 1797, (and secret articles), by Buonaparté. So much for the emperor of Germany and his convention for the present. The eighth is between his Britannic majesty and the margrave of Baden, signed at Carlsruhe, 21st Sept. 1793; an armistice took place with France July 25th, 1796; and peace was signed at Paris August 8th, 1796. Secret articles thereto, August 23rd, 1796. The ninth is the convention between his Britannic majesty and the queen of Portugal, signed 26th Sept. 1793; and a treaty of peace was signed (for expedition sake) with France, at the national palace, August 10th, 1796. This, however, was very soon indeed declared void, and she is now dragged on in this crumbling confederacy. The tenth is with Hesse Darmstadt, signed at London, Oct. 5th, 1793; a second at Franckfort, 10th June, 1796. It is almost impossible to reason on the fluctuating politics of these petty German princes. The eleventh is a convention between his Britannic majesty, the king of Prussia, and the States general of Holland, signed at the Hague, April 19th. 1794. One also then signed between his Britannic majesty and the United Provinces. In May, 1795 (a revolution having taken place in Jan. 1795) citizen Haltz, as president of the assembly of the representatives of the people of Holland, makes a speech, prefacing the treaty of peace and alliance with France. The 12th is a treaty with the duke of Brunswick, signed at Brunswick, 8th Nov. 1794. On the 16th March, 1800, occurs the 13th, namely, a treaty between his Britannic majesty and the elector of Bavaria. Now last, but not least, comes forward the mighty Paul the 1st, on the 10th Feb. 1797; a treaty of navigation and commerce was signed at Petersburgh in 1798. Another provisional treaty was signed at Petersburgh, endeavouring to animate the king of Prussia to re-enter into the contest, in vain. This not succeeding, another convention is signed at Petersburgh, June 10th, 1799. Now fatally comes out the mighty Emperor's object—his gigantic ambition. And here I must beg leave to ask ministers how they could all along be so blind to the conduct and views of so powerful an emperor? How can they think that the Russian marine, supported and instructed in the English school, will not hereafter try to ruin its mistress? How could they think it possible, that a sovereign, possessed of thirty millions of subjects, immense forests, fertile mines of every kind; in a word, every thing necessary for creating in a very short time his marine, already very formidable in the Baltic, and absolute mistress of the Black sea, and the Caspian; will limit his ambition to the bare possession of a few ports in the Mediterranean, without deriving advantage from them at the expense of the commerce of England, and turning his attention to the two Indies, where as yet, of all the maritime powers, he has gained no footing? How can they think that a prince, like the emperor of Russia, will always prefer their subsidy to the source from which they derive their riches? Added to this, in June last, I stated in my place the probability of his being at the head of the armed northern neutrality, and attempting also the dismemberment of the weak, inefficient, and crumbling go-

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vernment of the Ottoman Porte, of which I shall speak more at large hereafter. Furthermore, I have heard that he is in the act of sending several transports with naval stores for the use of the Brest fleet. Then I say, Sir, with these wretched alliances, these swindling defections, and with a northern armed neutrality, and a recent unsettled dispute with Denmark, the British minister calls England "the rallying point of the confederacy." The minister says right, she is the rallying point of the confederacy, not for, but directly against her. Russia, Prussia, Denmark, and Sweden, waiting only for a good opportunity to declare against her. Will any minister, can any minister, say one word against this statement?

The next point I come to is, the success of war. Great it has been, no doubt, by sea; and if this war must go on, I now give formal notice, that I shall make a motion relative to a naval war. But, Sir, the moment the words successful war escaped the lips of the war minister, on the first night of the session, I caught them, not intending to trouble the house on that night, and challenged the right hon. gentleman to dispute that assertion of his, day after day, and hour after hour: I said those words escaped him; but when I recollect how strenuously he then, and has since supported the position, I must of course think he means such to be the fact.

I shall begin with the retreat from Dunkirk. Does the right hon. gentleman call the retreat from Dunkirk a success of war? As to the expedition to Ostend, certainly as far as the accomplishment of the object went, it was nobly done, but the fact is, notwithstanding, that 1,500 or 1,600 Englishmen were taken prisoners. Now comes a tale of woe indeed; but I will not dwell on it, as I see the secretary at war in his place, and surely, when the word Quiberon is mentioned, every person must recollect that most fatal expedition, and I should think the bloody ghosts of the venerable bishop of Dol and the gallant Sombreuil, must haunt the inmost recesses of the War-office! Now comes a success indeed, it must be allowed to be such, according to the right hon. secretary of state's reasoning on the successes of the war, I mean the famous human nature expedition to Holland! Was there a triumphal entry into Amsterdam? Was there not a disgraceful ransom of the English troops, and a most inglorious return? Nay, furthermore, did not his majesty's ministers refuse an inquiry into the business most peremptorily? The next success is the evacuation of Corsica. Nothing, Sir, but a string of successes and evacuations now to come! Upon this Corsica, once called, and properly so, by an hon. member, a barren bubble, I will say a few words. It is singular, but this place is the birthplace of the great Buonaparté, who now foils (and there he has no great merit) the confined plans of his majesty's ministers; but had we kept that island, perhaps, the first consul of France might have been a plain, honest, useful subject of Great Britain; though, I confess, I have my doubts whether so great and transcendant a genius as he possesses could ever have been restrained within the narrow, but happy confines of a limited monarchy. He now guides the politics of Europe, and, in its convulsed and agitated state, "He rides in the whirlwind, and directs the storm!" He does more, he has organized and tranquilised France, and he is now approximating to his views many of the nations of the earth. 'Imperium oceano, famam super astra levabit." It may be said, perhaps, that I go out of the way to pay a compliment to Buonaparté, but the truth is, that there is no mentioning his name (though an enemy) without acknowledging his great powers of mind.—The next glorious success, is the evacuation of St. Domingo: the grave of thousands of Englishmen, and the depot of millions of British guineas, now relinquished to a black general (Toussaint L'Overture) at whose very name Jamaica trembles.—More successes still!—Now, Sir, we come to the glorious ones of last Summer's campaign; and what are they? A feint at Belleisle!—a feint at Ferrol!—a crusade against the pestilence of Cadiz! Here, Sir, are triumphs indeed! "Hi nostri reditus expectatique triumphi." In fact, Sir, the whole income-tax is gone in the last Summer's fruitless expeditions, in what I once called "a voyage of discovery," but which on reflexion, is little more than a common summer "trip to Margate."

Now, Sir, comes the evacuation of Egypt. Suffice it at present, just to state, that the blundering incapacity of ministers in that affair has raised a new source of war, and of French power and ambition; and I must refer the house here to lord Keith's letter, and

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I must ask the right hon. secretary of state where is the second treaty? which, he said, on the 23rd of July last, was probably then signed. Is it to be found in the expedition, reported to have sailed under sir Ralph Abercrombie, amounting to 25,000 men? Is it to be found in the following words:—"The genius of France has saved the army of the East from the execution of a convention, which would have put it in the chains of England." Let the right hon. secretary ask the directors of India, what they think of the business of Egypt. To show the great importance the first consul puts in this event; and to show the original ideas of France, and their views on India, I could refer gentlemen to Monge's speech, wherein he calls us the "Tyrants of India," Oct. 31, 1797; then, to the proclamation of Mallartie; then to the treaty with Tippoo, the latter end of 1797; and lastly, to the correspondence between Tippoo and Buonaparté, July 1798.—Then, after all, perhaps I shall be told that every thing is safe—Tippoo Saib is no more; but, Sir, some avenging prince may hereafter rise from his ashes. In short by the injudicious conduct of ministers, and by the letter of lord Keith (never imputing any blame to him), God knows, when there will be—"peace on earth, or good will amongst men." But, Sir, I had almost forgotten, among our numerous defeats and misfortunes, one real conquest arising from this war, I mean, Sir, the conquest of Ireland. His majesty's ministers call it a Union; I call it a conquest, accomplished by the lowest means, by peerages and baronetages, by bribes and corruptions, by bargain and sale of liberties, and consciences, and boroughs, by famine and massacre and torture, and fire and sword.—My language may be strong, but the subject is most serious, and requires it fully. Would to God I could harrow up stronger expressions! I cannot think, but with horror, how soon this British parliament is to die—I think I see her now expiring in the keenest agony—

> Mark the year, and mark the night,
> When Thames shall re-echo with affright,
> The shrieks of death thro' Stephen's roof,
> Shrieks of an agonizing parliament!

This is the only conquest his majesty's ministers have to boast of—and they do boast of it. But I see in it the absolute and utter extinction, and complete annihilation of the liberties of parliament, and of the constitution both of England and Ireland.—Their final doom will be ratified and fixed on the day of the commencement of the imperial parliament—God help the country!

After eight years of ineffectual and expensive war, which is the melancholy state of this country, brought on, I must say, by the wretched incapacity of ministers—Austria, our only ally (except Portugal, which we keep in tow as it were), perhaps at this moment treating for peace, and ransoming its proud capital with British guineas—Russia, Prussia, Sweden, and Denmark, arming against us—Russia concerting with France to set aside our right to search neutral vessels, and to dispute our sovereignty of the seas; to neither of which points am I prepared to give my consent; nor am I at all disposed to grant the pretensions entertained against us by any means; nor do I know any circumstance under which I can ever give up the basis of our naval glory. I beg to state that when I hinted the probability of an alliance between the emperor Paul and the first consul of France (in May 8th last), scorn was the only answer given to the observation; but, now, Sir, the fact turns out to be very nearly, if not positively so; and I must refer the house on this occasion, to the paper called the Exposition of the Situation of France, as far as relates to Russia and England and Austria; a paper which I fear cannot be refuted by the ministers, and which is of the most momentous import indeed to England in its probable consequences: "All nations who understand their rights will rally round these principles. The north will free itself from the tyranny which weighs upon its commerce and the seas, it will feel that our interests are the interests of mankind. Russia particularly will remember its dignity, and the old relation which united it with France, it knows that France is a necessary counterpoise in the maritime balance of the world." Austria will cease to sacrifice the repose of their continent, to the ambition of the despots of the seas. Yet in the present uncertainty, prudence prescribes to France not to permit herself to be amused by an empty show of negotiation; she will support her propositions by the force of her arms. The conduct of the government has shown, that it has not carried to too great a height the pretensions of the Republic

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nor sacrificed to the madness of ambition the interests of humanity.—The crimes of the war will all fall upon those who are the real authors of them; upon those governments which are so weak and so blinded, as to become subservient to the mercantile designs of a single nation, and to sell its gold and its intrigues, the blood and the industry of the nations who buy them, and the freedom of the seas, which is the property of the whole human race. Furthermore, there seems a strong disposition on the part of this emperor Paul, by sending his fleet to Constantinople, to attempt something against our good ally, and to plan the dismemberment of the weak and inefficient Ottoman government; which I at the same period, 8th of May, foretold. Prussia marching troops into and seizing Cuxhaven and Hamburgh; Denmark and Sweden ready to act with them. Amidst all these misfortunes, occasioned by the weak and miserable councils of his majesty's ministers, famine rages in the land, and foreign ports are shut against us, and foreign powers refuse us corn. All the powers of Europe are starving us into submission, as we threatened (aided by all the powers of Europe) to starve France into submission in 1793; and the war which was begun in the cause of morality and religion (which I support, and, if it should unfortunately relapse into that state, I will again), a war of the plain question, whether or not England shall continue her right to search neutral vessels? I further add, Sir, that religion seems returning in France.

Ministers say, "don't drive us to peace:" that is not the object I stand up for here this night; but ministers also say, when a letter (lord Keith's) is asked for, why ask for this old letter—the subject is nothing new—it's worn out! When a motion is made for a committee to inquire into the state of the nation, they say, what has a long history of the war in 1761, on the finances, or the state of the country, to do with the present state of affairs? When an hon. friend of mine rising to reply on a most important motion, brought forward by him on a subject of reducing the consumption of oats by the cavalry, they count the house. When a motion for a separate peace is made that cannot be listened to; the true plan should be to move at once for a dismissal of his majesty's ministers. That's my intention, Sir, this night; and I take them only at their word, let their be a change in his majesty's councils, and we drive the enemy to peace. As it appears that this terrible war cannot be settled by argument, I do not wish to recommend, God knows, any thing that has the least tendency to a ludicrous proposition; but I cannot forget having read how a long and tedious war was once settled between the Romans and Albans—Tullus and Metius Suffetius were to have settled it by a single combat; one declined, however. Now, Sir, as it appears that the chancellor of the exchequer and Buonaparte are the chief obstacles to peace, they might as well decide this war thus; but as one of them might decline, then I should recommend a tribe of Malta and a tribe of Lodi, (new peers and new made baronets are hardly of sufficient importance), to imitate the Horatii and Curatii, and finish this work of blood. But, Sir, finally, let us consider our unfortunate and desperate situation, and apply the true and only remedy. Dismiss his majesty's ministers—they ride on the popularity of our good king—they ride on it, and injure it by our counsels to promote the common carnage of the world—there they sit, not a tribe of Lodi, but a tribe of Molochs, besmeared with human blood and human sacrifice; they have deluged the world with blood, and brutalized mankind. Under their further guidance, so help me God! I fear Turkey itself will become a perfect paradise to old England—they will make an heaven an hell. May God avert a famine! May God avert a revolution! Sir, I dread them both without a change of councils—May the king live for ever! I now move, "That an humble address be presented to his majesty, earnestly imploring his majesty, that, taking into his royal consideration the sufferings of his loyal and affectionate people, he will be graciously pleased no longer to listen to the counsels of his present ministers, who by, their profusion and extravagance, have brought their country to the brink of famine and ruin, and who, by their incapacity, have shown themselves unequal to conduct the war with effect, or enter into negotiations of peace with honour."

Mr. *Nicholls* said, he conceived the war to be the cause of the present high price of provisions, as he could account on no other principle for the circumstance of bread being sold in this country at 18*d.* while it was selling in France and the low

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countries at 6*d.* the quartern loaf. But the "solid system of finance" of the right hon. gentleman easily accounted for this effect of the war. The war also had produced the northern confederacy, which threatened to deprive this country of the supplies expected from importation and to bring new enemies against it. The war and the system on which it had been conducted, had rendered us the abhorrence of every other country, even of the pettiest states in Germany, who accused us of having deluged their territories with blood and treasure. The obvious course, then was, to make peace, which we have it in our power to do. France must either be an armed or a trading and commercial nation; and, in his opinion, it would be more for the interests of this country that she were the latter than the former. There was room enough in the world for two great commercial and manufacturing nations, France and this country; and no evil would ensue to the latter, from the former becoming her rival.

Mr. *Robson* said, it was more necessary than ever that the conduct of ministers should come frequently under discussion, that the people, who paid the expenses incurred by their profusion, might know the system they pursued; that they might know that the taxes were paid by themselves and not by placemen, whose sinecures were unaffected by the war. He would venture to say that there was a dead majority of the House, who, being employed in some way or other under government paid nothing to the income tax. —[A call of Order.] He conceived that on such an occasion as this, where none of the ministers chose to reply to the charges brought against them, a member might be excused for bringing forward such an accusation, as, in his opinion it, was more than human nature could bear, for a gentleman of his principles to sit calmly in the House and hear nothing but silence on such a subject. [a laugh.] His object was, to prove the incapacity of ministers; and as there was a great resemblance between not only the cause and the origin, but the conduct and effect, of the American war and this, he would contrast the two, and prove that ministers had not taken instruction from the example which it held out to them. We began the American war by interfering in the government of America. We began this war by interfering in the government of France. We lost America, from refusing to hear her overtures; and all the misfortunes of this war were owing to our refusal to listen to the overtures of Buonaparté, when we might have made an advantageous peace. We not only then lost the opportunity of treating, but we recruited the French armies; and our conduct in not ratifying the convention for the evacuation of Egypt, not only lost that country to us and our ally, but had endangered our territorial possessions in India. The last was the effect of lord Keith's letter to Kleber—the former was the effect of lord Grenville's letter to Buonaparté, which had also raised the Northern confederacy which he allowed we ought to resist, but which might never have existed if we had made peace with France. The conduct of this country to the emperor Paul certainly was not so bad; but if the Russian officer's letter to him from Holland, and the disappointment of his favourite views on Malta, were considered, there would be little difficulty in accounting for his hostility to this country, which had been displayed ever since the 9th of November last; and he would ask, if it was not strange that this country should have been maintaining his troops at an immense expense, and that too in a season of scarcity, in the islands of Jersey and Guernsey, and refitting and victualling his fleets, after our ambassador had been dismissed with ignominy from his court, and we were actually in a state of war with him? Ministers could not say that they had not been forewarned of the evils which this war had produced; they were, and that particularly by a right hon. gentleman (Mr. Fox), who, on account of his great abilities, he lamented had absented himself from that House, where it appeared that abilities were so much wanted—[a laugh.] This was no subject for laughter, though ministers seemed to choose rather to laugh than to defend their conduct from his attacks. Mr. Robson then argued, that the foolish and fruitless expeditions of this Summer had raised the price of provisions; that all the distresses of the country were owing to the mismanagement of ministers; that the war was continued merely on account of the hatred of Mr. Pitt and Buonaparté to each other; that when the difference took place between this country and Paul, we ought to have sent ambassadors to Petersburgh and Berlin: that continental connexions were the ruin of England, and that Mr. Pitt only came to the House to

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get supplies, and to boast how much he had raised from the taxes, how much he had screwed from the country, and from people who were little able to pay it. The article of salt he instanced as showing the effect of the war on the necessary articles of life. Before the war it was 7*l.*; now it was 22*l.* and the original price was no more than 25*s*, This was an effect of the taxes imposed by the war, and prevented the people from making their own bacon, which was one of the ordinary articles of their subsistence.

The House divided:

Tellers.

YEAS	Mr. Jones Mr. Robson	13
NOES	Mr. Bragge Mr. Wallace	66

So it passed in the negative.

List of the Minority.

Bankes, G.	Russell, lord J.
Brogden, J.	St. John, hon. St. A.
Bouverie, hon. J.	Sheridan, R. B.
Copley, sir L.	Tufton, hon. H.
Grey, C.	Tierney, G.
Martin, J.	TELLERS.
Nicholls, J.	Jones, T.
Richardson, J.	Robson, R. B.

Debate on Mr. Nicholls's Motion for a Committee on the State of the Gold Coin.] Dec. 5. Mr. *Nicholls* said, that in the month of December 1796, he had thought it his duty to suggest to the House his reasons for supposing that the gold coin of this country had diminished in quantity.* He had founded his reasons upon a paper which had been laid upon the table, purporting to be an account of the state of the gold coinage, for the twelve years previous to the year 1796. By that account, it appeared, that for the first ten years the coinage had amounted to 2,320,000*l.* a year, and for the last two years of that period, it had amounted to no more than 440,000*l.*; the inference he had drawn from that statement was, that if the coinage of 2,320,000*l.* had been kept up for ten years, without any sensible decrease, it was possible that the average coinage of 2,320,000*l.* was necessary to keep up the quantity of coin to a given amount, whatever that amount might be; and consequently, that if, for the last two years, the coinage, was only 440,000*l*, the difference in the amount of the coinage, compared with the preceding years, was 2,278,000*l.*; but he had submitted to the House, that the deficiency of the gold coin was actually 3,376,000*l.* and he had supported his assertion by reference to the difference in price of gold coined and uncoined. The price of gold coined was at that time 3*l.* 17*s.* 10*d.* per ounce; but gold of the same standard, uncoined, was worth 4*l.* 2*s.* per ounce. Government, therefore, would have lost considerably by coining: that was one material cause of the deficiency; but the relative prices of gold coined and uncoined rendered it an article of gain to the Jews by melting: no doubt, then, a vast deficiency had been produced by the Jews melting the coin. Upon this reasoning he had moved, that the governors of the Bank should attend the committee of supply upon the subject; his motion had failed; it had been negatived without an answer. He had again thought it his duty to bring the subject before the House, because he considered the danger greater than it had been at the period to which he had alluded. In the years 1797 and 1798, the average coinage had been greater than the two preceding years; a coinage of about 5,000,000*l.* had, in some measure, supplied the deficiency of those years; but in the year 1799, there had been a coinage of only 449,000*l.* and in the course of the last year, of no more than 189,000*l.*; the deficiency of coin, in four years, he computed at 7,500,000*l.*; this deficiency was augmented by melting the coin, and by exportation; for at this moment there was no trade so profitable as that of melting gold. Merchants too, found it necessary, in consequence of the exchange against this country, to export gold, in order to avoid the necessity of drawing bills upon the country. The exchange against this country was 1-6th more at the present moment, than in the year 1796; it was therefore impossible to prevent the gold from being sent abroad; the scarcity of coin was also greatly increased by the bounties on the importation of coin, and by foreign subsidies. The Bank could not coin while gold remained at its present price. During this year, the diminution, from the Bank's not coining, from melting, and from exportation, had been more sensibly felt than in any former year. Such was the state of the country. What security had the people of this country, that there would not be

* See vol. 32, p. 1389.

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as complete a disappearance of the gold coin, and as great a circulation of paper money, as there had been in France in the year 1791? The House, then, ought to have some person to look to, in order to avert such an evil. The conduct of so important a concern ought not to be left in the hands of his majesty's ministers, or of the Bank Directors. True it was, the Bank Directors had remonstrated against those measures of ministers to which the reduction was owing; but they had, nevertheless, always obeyed them. It was to the measures of ministers that the stoppage of the Bank was to be attributed. On that stoppage was built the minister's "solid system of finance," which had doubled the price of every necessary of life, introduced bankruptcy and beggary into the country, and annihilated public credit. An eminent writer of our own, Mr. Hume, about forty years ago, had warned the country against the consequences of frequent wars; he had compared a country's going to war, oppressed with the weight of taxes, loans, and subsidies, to a game at tennis in a china shop; let it be remembered, that the china of France was destroyed; a great part of ours still remained, and care ought to be taken to preserve it, by avoiding that system which had ruined France. He thought it his duty to move that a committee be appointed to inquire into the state of the coinage, and to report their opinion to the House. He observed, that all political writers considered the coinage as the criterion of the quantity of gold in a country; if the Mint had not gold to feed the market, there evidently must be a deficiency. If it was urged, that the inquiry he wished for would be dangerous, he had only to say, he had no objection to its being a secret committee; but he saw no danger in an open committee. Should it appear that the Bank had plenty of gold, no harm whatever could result from the inquiry—if the contrary, that would form an additional reason why the country should not go on with the war. The governor of the Bank had stated, that there was no danger whatever to be apprehended from the subsidies sent abroad. He thought he was a bold man in making such a declaration, considering the circumstances of the country: but whether the fact was so or not, it was the duty of parliament to superintend the sending money out of the country, and to be satisfied it was not attended with danger. What security was there that the diminution of gold and the increase of paper would not produce the same effects as they had done in France? The expenses of government must have been greater since the quartern loaf had been 1*s.* 6*d.* than when it was only 6*d.* Besides, the increase of paper money was attended with an evil impossible to be remedied— he meant forgery. Forgeries of the small notes in particular had made most alarming progress, and the practices of our own government against France and America showed the impossibility of resisting the effects of forgery; they had been encouraged by government, and even our courts of justice had said that to depreciate the credit of an enemy by forging its paper-money was a moral act. How were we sure the attempts of France would not produce the same effect in this country as our attempts had produced in France? Great as the general distress of the country was, he dreaded the still greater calamity of public bankruptcy. Who was prepared to say what might be the consequence of a deficiency of seven millions in the coinage of the country; and if the House suffered things to go on in the same way, what security was there against its total diminution? He concluded by moving, "That a committee be appointed to examine into the State of the Gold Coin, and to report the same, with their opinion thereupon to the House."

Lord *Hawkesbury* said, that the hon. gentleman had laid no grounds before the House to induce them to agree to the motion, nor had he stated any beneficial effect that could result from its adoption. It was not necessary, on the present occasion, to enter into a discussion of the question, how far the coin of the country was a criterion of its wealth. He was ready to admit, that the coinage of this year had been very small indeed, but that arose from an obvious cause, namely, that the balance of trade had been against us. The same thing happened in 1795 and 1796, owing to a scarcity of provisions which then existed, more particularly in the article of corn. This scarcity rendered it necessary that a large importation should take place, the necessary consequence of which was, that large sums of money were sent out of the country. The same cause produced the same effect now. It was also true, that the subsidies paid by this country operated to a certain ex-

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tent; but the effect they had was but small. In 1797 and 1798, when there was no necessity for importing provisions, there was a great influx of bullion into the country, and the coinage in those years, particularly the latter, was very great; and he had no doubt that the coinage would have continued, if it had not been for the scarcity which had taken place, and which rendered it again necessary to send out great sums of money for grain. The House must then see, that the causes were merely temporary; and when the cause ceased, the complaint would exist no longer. But if the coinage of the country was a proof of its wealth, it never was richer than in 1797; and yet in 1796 the hon. gentleman made a similar complaint to that which he had now submitted to the House. The hon. gentleman had not stated, indeed, it was impossible to state, that it was owing to a declension of our commerce; for it was admitted on all sides, that the trade of this country never was in so flourishing a condition as it was at present. If the object of the hon. gentleman's motion was to keep the gold coin in the country, he must know that there was no legislative measure that could effect it when the balance of trade was against us. There was a law against exporting gold coin, and it always appeared to him to be an unwise law; for the fact was, that if gold could not be exported in coin, it would be melted down, and then exported. If then, under the present circumstances it was necessary to send large sums of money out of the country, it was impossible that the result of the proposed inquiry could lead to any beneficial or practical conclusion. When the balance of trade was in our favour, there had always been a large importation of bullion and a great coinage; and on the other hand, when the balance was against us, the coinage was small. The only point which he wished to press upon the House was, that it arose from temporary causes, and that when they ceased, things would fall into their usual channel. The rate of exchange was at present undoubtedly against us, and might, he would admit, create some embarrassments; but if it did not arise from any permanent cause, it would have this good effect, that it would operate as a bounty upon the exportation of our manufactures. On the contrary, when the exchange was in our favour, it did undoubtedly operate as an increased price upon our exports. As to any inconvenience being felt from the want of gold coin, it was not the case; and even if it was, it could not be remedied: we must wait till the balance of trade turned in our favour. There appeared then to him not the slightest ground for the apprehension which the hon. gentleman seemed to entertain; for when the Bank discontinued its payments in specie, persons were permitted to deposit any quantity of coin in the Bank, with permission to draw a certain amount again specie; but, in point of fact, a very small part of it was ever drawn out. Upon these grounds he should oppose the motion.

Mr. *Tierney* supported the motion. The noble lord seemed to have misunderstood the object of his hon. friend; which was, not an inquiry so much with a view to the present, as to prevent future mischief. He therefore thought the House and the country obliged to his hon. friend for bringing forward his motion now, rather than waiting until the danger was inevitable. For his own part, he knew of no evil so dangerous to a commercial country, as the disappearance of its coin, and the substitution of a paper currency; one obvious and alarming ill consequence already in this country, was, the enormous extent of forgeries, particularly of notes for small sums; insomuch, that when coin should be restored to circulation, and small notes be called in, those forgeries must produce the most deplorable consequences. The noble lord had offered no reason why the House should not investigate the subject. In the directors of the Bank at this day, the country had not, in his opinion, the same faithful guardians that they had previous to the substitution of paper for gold. When he had, on a former occasion, complained of the three millions of foreign subsidies, he was thought a peevish and troublesome medler, and was told, that though we had expended such a sum in one month, we might have it back, through commercial channels in the next. But the fallacy of this opinion showed, that all men, even a chancellor of the exchequer, might err in their conjectures. The Bank Directors, on this first attempt to export the coin of the country, resisted such a measure of the minister with a laudable and becoming spirit. But from the moment the issue of gold was stopped, and liberty given them for the complete substitution of paper, there was no further impedi-

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ment on their part to the measures of the minister; but they were ready on all occasions to accommodate his demands to any amount. He could not avoid coinciding in the apprehensions of his hon. friend, when he considered the rapid decrease of the gold coin, while it stood confessed that there was no present chance of its increase, but, on the contrary, the strongest temptations to its further diminution. He was, therefore, for the investigation.

Mr. *H. Thornton* said, that the gentlemen opposite had not stated any distinct consequence that was to result from this motion. They had agreed that it was caused by the balance of trade being against us, and that nothing but the balance turning in our favour could remedy it. It seemed to him that the House perfectly understood this subject, and that there was no occasion for going into a committee upon it. He was also inclined to think that the business of the Bank would be as well managed by itself as by a committee of the House of Commons. Gentlemen had contended, that it was the substitution of paper for gold, that had caused the high price of provisions. It was certainly true that a great increase of paper would create a great increase of price. Gentlemen had talked of paper wealth, but ours was not merely paper wealth—it was real substantial, solid wealth. In a country where there was such extensive commerce, there must be a great quantity of paper; and though it might be carried to excess by individuals, still it was a proof of wealth. He was glad when these subjects were discussed, because the more they where investigated, the less reason there would appear for the apprehensions which gentlemen expressed.

The House divided:

Tellers.

Yeas	Mr. Tierney - - - - Mr. St. John - - - -	16
Noes	Mr. Charles Yorke - - Mr. Henry Thornton - -	32

So it passed in the negative.

Debate in the Commons on the Habeas Corpus Suspension Bill.] Dec. 11. The *Attorney General* rose to bring forward the motion of which he had given notice. The act for suspending the operation of the Habeas Corpus act would he said expire on the 1st of February; the consequence of which was, that the period from the meeting of the imperial parliament, and the term of the expiry of the act would be quite inadequate to a deliberation upon the importance of further suspending its operation; in order to give ample time for that deliberation, he meant now to prolong the term of the present act only for a very short period, merely that the imperial parliament might have a fair opportunity of discussing the merits of the question involving a longer suspension of the Habeas Corpus law. When he took a view of the past and present situation of the country, and he considered the use which had been made by the executive government of the power entrusted to them by parliament, he was confident that the House would agree with him in thinking that the measure by which this extraordinary power was granted to ministers was wise and proper, and that the exercise of it in their hands had not been such as to deter parliament from renewing this proof of its confidence. With this idea he did not expect any serious opposition to the motion he was about to make; which was "That leave be given to bring in a bill for further continuing the said Act, for a time to be limited."

Mr. *Martin* said, he was unable to account for the learned gentleman's belief, that his motion would be agreed to without opposition. Was it quite a thing of course to suspend the constitution, to please the minister? For take away the Habeas Corpus act, and the constitution was gone.

Mr. *Sheridan* was astonished at the turn of argument which the attorney-general had thonght proper to adopt. To him it appeared a perfect solecism to press the renewal of so strong and anti-constitutional a measure, without adducing a single reason for its continuance. The learned gentleman had dealt largely in assertions; but they were assertions without proof, and notoriously contradicted by facts. So far from ministers not having abused the confidence reposed in them by the legislature, they had abused their power in every one instance. The bill which suspended the Habeas Corpus act only authorized ministers to apprehend and keep in custody persons charged on oath with seditious practices; but they had most audaciously overstepped their authority, and immured in dungeons the subjects of a free country, without any information on oath, on the strength of

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their own jealousy and suspicions. The excuses made by ministers for this stretch of power had always been the perilous character of the times, and the critical situation of the country. Much eloquence and energy had been lavished on the hacknied topics of Jacobinical principles and lurking treason; but, in spite of all these general invectives, he would affirm, that there was not a single symptom of a seditious spirit to be traced in the whole country, to warrant such an infringement on the constitution. Ministers were perpetually harping on the old string, and libelling the national character, by accusing the people of disloyalty to the government; yet, in the course of a whole year, with such a host of spies as they retained in their pay, with such extraordinary means as they possessed of procuring information, they had only been able to fix the imputation of disloyalty and disaffection upon three or four persons. Of this circumstance ministers would not fail to avail themselves, to vaunt their own lenity and forbearance in the use of the power entrusted to them; but it was rather a proof, that they had propagated chimerical alarms, and that no spirit of sedition, Jacobinism, or treason, existed in the country. The learned gentleman had done well in stating, that he was not prepared to submit any new grounds to the House. He was looking in anxious expectation for the appearance of the chancellor of the exchequer, who, no doubt, would bring plenty of reasons along with him. But had the attorney general even made out a case to prove the necessity of the measure, still he would oppose it, on the ground that ministers had flagrantly abused the power confided to them. It was his intention to take an opportunity of moving for a list of the persons who had been apprehended under the Suspension act since the last return made to the House. The result of the investigation would prove, that no such spirit of Jacobinism and treason existed as ministers had thought proper to represent. The only reason which had been assigned why the suspension should be continued, was to afford Irish members in the imperial parliament an opportunity of taking it into deliberation. Precisely for that reason, he should wish to keep the question out of the House. It was his wish to conceal from the Irish members a fact so humiliating and degrading, as that the members of the British parliament, in a moment of false alarm and panic, had resorted to a measure which the Irish parliament disdained to employ, even at the time when that country was the theatre of open rebellion. He wished that Ireland, in incorporating with this country, might come into the participation of the British constitution pure and undiminished. It was a favourite axiom with ministers, whenever they adverted to the late disturbances in Ireland, to ascribe them entirely to Jacobinical principles. Such a mode of reasoning might suit their views, but was not warranted by the fact. It was not French principles, it was not Jacobinism, that had lighted up the torch of rebellion in Ireland; but it was the want of faith, on the part of ministers, towards the inhabitants of that country: it was the violation of their pledge to the Catholics; it was the system of torture which they had introduced; it was the vindictive spirit of persecution which they had let loose against the Irish nation. When ministers informed the House, that the dangerous principles of Jacobinism, which at one time, according to their statement, so eminently endangered the peace of the empire, were now in a great measure exterminated, he was happy to join issue with them; nor should he enter into dispute with them, if they chose to ascribe this happy change entirely to their own wise measures of restraint. But, in conceding this point, he certainly had a right to expect, that, when the cause no longer existed, the effect should cease also. The act to prohibit seditious meetings had been suffered to expire. Was not this a plain proof that ministers were convinced that the spirit of sedition was nearly extinguished? Yet, at the very moment that they admitted this fact, they come forward to move for the renewal of a measure ten times more obnoxious and unconstitutional. Why, then, discuss the question after the meeting of the united parliament? Would the right hon. gentleman pretend to say, that ten days, the intermediate period between the meeting of the imperial parliament and the expiration of the act, was not a sufficient space of time to canvass it fully and maturely? For his part, he wished the question to be banished *in toto* from the consideration of the Irish members. What opinion must those gentlemen form of this country from such a discussion? After having heard so much of rebellion and treason in their own country, what must be their

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feelings on finding a measure proposed to them for preventing sedition in this country, to which Ireland had never resorted? Might they not justly say, that they were deceived in their hopes; that they expected to have formed a union with a quiet and composed nation; but that they now found that England was in as bad a condition as their own country? For these and various other reasons, he was decidedly against the motion.

Mr. *Pitt* said:—Sir; not having heard what fell from my learned friend, I do not know what arguments he used in support of this measure, but I did hear most of the speech of the hon. gentleman who spoke last, and I cannot think that his arguments can have any weight with the House; certainly they have not in any degree convinced me. He observes, that my learned friend says he brought forward this motion now, because the period between the probable meeting of the next session of parliament and the expiration of the Suspension act was too short to admit of proper discussion; but the hon. gentleman contends there will be time enough for deliberation; for, says he, there will be ten days between the meeting of parliament and the 2nd of February, when the bill expires; he speaks of these ten days as if they were ten days of debate; but the hon. gentleman should recollect, that two or three days will probably be occupied by the new members taking the oaths; that at the commencement of a session, two days are generally occupied by the address; that there will be, in the time he alludes to, one Sunday at least; and that the 30th of January comes within that period; so that the hon. gentleman's ten days of debate would not in reality be more than three or four. Does he mean to say that that is sufficient time for mature deliberation upon such a subject? Perhaps the hon. gentleman would think it long enough for the House to refuse to continue the suspension; but would he think it long enough if the House was to concur in thinking that the Habeas Corpus ought to remain suspended? According to the hon. gentleman's idea, the united parliament ought to be called upon to determine this important question, when only four days are allowed for deliberation. Now, Sir, they must decide one of two ways: either they must decide that the suspension ought not to continue, and thus deprive the country of that security which the parliament of Great Britain had thought it necessary to adopt; or they must agree to the continuance of the suspension, and thus, according to the arguments of the gentlemen on the other side, deprive themselves of the benefit of the constitution. This is the singular dilemma in which the hon. gentleman wishes to place the united parliament, with only four days allowed for deliberation. The hon. gentleman has made speeches for some of the Irish members; I hope they will make as good speeches for themselves. He says that few persons have been taken up under this bill, and that government may urge it as a proof of the lenity with which they used their power; but he adds, that we have no right to use such an argument. Now, Sir, I cannot but think, that with persons in general, more especially those who wish to judge with candour, it will operate as a proof of the lenity with which it has been used. If there has been any abuse in the exercise of this power, it ought to be made a matter of separate discussion; indeed it has been incidentally introduceed into the debate more than once this session; but as to the general question, it cannot be denied, that this is a measure which has been resorted to with success by our ancestors in the best times of the constitution, and therefore is not to be opposed merely because it is a suspension of the Habeas Corpus. But, Sir, the hon. gentleman's ideas upon this subject seem by no means to be settled. He wishes, he says, that when the Irish members come over, they may find us in the full possession of all our rights, which he contends they will not do if the suspension is continued. But it cannot be forgotten, that there are several acts which the gentlemen on the other side have not only represented as injurious, but absolutely destructive of the constitution? One act in particular the hon. gentleman has alluded to,—I mean the act respecting seditious meetings, which has been represented as the most severe act that had passed. [Here Mr. Sheridan said, "Not by me."] I do not undertake to state what the language of the hon. gentleman was upon that bill; but I appeal to the recollection of the House, whether, when these bills were before us, the gentlemen on the other side did not represent them as more severe, and more destructive of the constitution, than the Habeas Corpus Suspension bill? The inference I draw from

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this is, that the opinions of gentlemen vary according to the business before the House. Whatever measure is before the House, is always the worst. If we propose a suspension of the Habeas Corpus act, then it is said that so severe a measure ought not to be adopted; if we say we have used the power it confers upon us mildly, then they say, the measure is of no use. If we propose to adopt any other measure, then it is much more severe than the suspension of the Habeas Corpus; if we suffer it to expire, then it was of no importance. But, to come to the real substance of the question: the hon. gentleman asks, whether there exists any such disposition in the country as requires the continuance of the suspension? He does not argue that point, and, for my part, I am ready to leave it to the silent opinion of every man who hears me. He says, there is now an end to all sedition. Undoubtedly, there is less of it than we have seen for many years, at least there is less of it showing itself. But, does any man seriously believe, that, under the present difficulties no attempts have been made to put these principles again in motion? Sir, I can take upon myself, from my own knowledge, to say, that such attempts have been made; and I appeal to every gentleman in the House, who will, I am sure, confirm my statement. Knowing, as we do, the peculiar character of Jacobinism, not from the representations of its enemies, but from the boasts of its friends, we must feel that its peculiar object is, to avail itself of every cause of discontent to operate upon the sufferings, the prejudices, the passions, or the errors of every man in the country. We know that these attempts have been incessantly made for these eight years; and can we suppose that now, for the first time, they will cease their efforts to work upon all the objects of inflammation which the pressure of the present time affords them? Does this, Sir, afford no grounds for apprehension? Too much, I am sure, cannot be said of the patience and good-will with which the people endure the present pressure. I not only admit it, Sir, but I state it with satisfaction and pride, and (if I may use the expression) with that affectionate gratitude which we ought all to feel for their conduct under such circumstances. Do gentlemen think, that when we know that it is the object of some people to foment every discontent, and to aggravate every evil, and when we know that the great mass of the people are loyal, we ought not to endeavour to prevent the machinations of the disaffected from corrupting their sentiments? I wish here, Sir, to notice an observation that is very frequently made on the other side of the House. Whenever we propose any measure of this kind, they say we libel the people of England, and ask us, whether we mean to insist that the mass of the people are disaffected? To that I answer, no, certainly not; but if I am asked, if measures of precaution are necessary? I say, Yes. If the mass of the people were disloyal, the measures of parliament, I am afraid, would be ineffectual: these measures, however, are necessary when the great bulk of the people are well affected; but when there are persons whose sole object is, to pervert them—that the efforts of these persons have hitherto been ineffectual, may, I think, be fairly attributed to the firm but moderate measures which have been adopted. Let me ask these gentlemen, whether they mean to say that Europe is now completely at rest? Will they tell me that those principles which have destroyed the happiness of almost every individual, and disturbed every government, are now completely exploded, and that the persons who have supported those principles, with more firmness than I believe any other mischievous principles ever were supported, will now suspend their efforts? Will any man, who compares the situation of this country with that of others, say, that we ought now to join with those who have always thought that we have acted upon erroneous principles? I believe not. I hope that parliament will concur in thinking, that the continuance of these measures are necessary to prevent the adoption of stronger ones. But whenever the danger assumes any particular shape, such, for instance, as that which required the bill respecting popular meetings, then the measures must be adapted to the exigency of the case. But this is a general measure of prevention, and has more than once saved this country from civil war, and rendered stronger proceedings unnecessary. This, therefore, is the safest course that we can adopt, unless we are satisfied that the danger has wholly ceased. As for its being diminished, so far from that being a reason for abandoning the measure, it is the strongest reason for our continuing it; therefore, upon these grounds, I shall support the motion.

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Mr. *Tierney* said, that there was no question in which the character of parliament was more deeply involved than in the present. When the people, even from the lips of the right hon. gentleman, were acquitted of any disposition unfavourable to the maintenance of order and tranquillity, it was extremely important indeed for that House to decide, whether, without having any grounds laid, or reasons adduced, they would consent to suspend one of the most material laws in the constitution. The attorney general had stated the proposition merely as a matter of course, to which no serious opposition could be made. He knew not upon what grounds he had formed this opinion; he was sure that it could not be founded upon the conduct of the gentlemen on his side of the House. That learned gentleman had never yet given an answer to the question that had been put to him; and till he had answered that question, he knew not how he could vindicate the conduct of the executive government in the use of the powers granted them under the act, the term of which it was now proposed to enlarge. The question was, why he had been a party to confining men against whom there was no charge verified upon oath, and whom he never had brought to trial? He owned, however, that he was not so much surprised as some honourable friends of his had been, at the conduct of administration on this occasion; it was a conduct to be expected from ministers, who were laughed at, derided, and insulted with impunity; who betrayed their incapacity by their own acts, who betrayed their weakness by their fears, and who coolly submitted to injuries in quarters where they could not enforce respect. He did expect, however, that some grounds would have been laid for a measure of such magnitude: he thought that some documents would have been furnished, at least, by way of pretence, for such a procedure. He recollected, that when a measure of a similar nature was brought forward last year, they prevailed upon the House to let the bill be read a first and second time; and on the motion for going into a committee, they stated the report of a committee in April 1798, as furnishing documents sufficient to justify the House in continuing the suspension. It was then stated, that there were individuals in the country seditiously and wickedly inclined, and who were ready to join an invading army if the enemy could effect a landing in the country. Since that time, however, in the course of two years and nine months, not one man had been brought to trial. He did not wish to impute bad motives to any man or set of men: he believed that there were grounds of suspicion against those who had been apprehended and thrown into prison; but he contended, that if these persons were not brought to trial, motives of public duty and of common humanity, required that they should be brought to trial. Yet this was all the ground on which they were called upon to rescind an essential principle of the constitution, and to lay the personal liberty of every man in the country at the mercy of ministers. It really looked as if the attorney-general had done an act, from the consequences of which he could not shelter himself. He observed the chancellor of the exchequer smile; but it was a smile of an hysterical complexion, and he really believed that what he said was true. Why should they wait for the meeting of the imperial parliament? What had the Irish members to do with this question? If the measure was directed against sedition, it was against English sedition; if it was brought forward for the repression of treason, it was English treason. But the learned gentleman had said, that it was only for a short time. A short time! Good God! Let the House reflect on the deplorable situation of the persons now in confinement, of persons languishing in prison merely under suspicion, without even having had the charges against them verified upon oath, without having been tried, and without the prospect of a trial; and were these persons to remain unpitied in their present situation, merely because it is convenient to postpone the discussion upon the repeal of the Habeas Corpus act till the meeting of the imperial parliament? It was not contended that they were detained till further information was obtained, in order to their being brought to trial; but merely because it answered the views of honourable gentlemen that the discussion should be postponed. Here, he observed, the powers granted to ministers by the act of suspension had been abused. The grounds upon which the Habeas Corpus act was suspended were, that the period between the commitment and the time appointed by law for the trial, might not, in some in-

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stances, be sufficient for the collection of evidence; but here persons were confined, and no measures whatever taken to bring them to a trial. As to the existence of Jacobinism, he was confident that, could the learned gentleman sift the sentiments of the most zealous of his friends, he would not find any remains of alarm on that head in their minds. Nothing which had been said upon that subject was at all relevant to the question of a temporary extension of the term of the act. This argument, if it went to prove any thing at all, went to prove this, that Jacobinism and the Suspension act should go on *pari passu*, and that the Habeas Corpus should not be restored till Jacobinism was utterly extinguished in every corner of the world. He gave the attorney general every credit for his amiable private feelings; but he persisted in maintaining, that he kept in confinement the persons who had been committed because he did not know how to liberate them.—He next adverted to a provision in the bill, by which prisoners could be removed from place to place. He knew not whether the report of the committee on the state of the prisoners in Coldbath-fields would be given this session, or whether it also would be reserved for discussion in the imperial parliament. There was not a person, however, now in confinement under this bill, who might not be transported to that prison. He appealed to those who had had much experience, and who had been long in that House, whether or not sufficient reason had been given that evening, to expose every man in the country to the risk of being sent to Coldbath-fields prison? No reason on earth had been given for it, but that the imperial parliament did not meet till the 22nd of January.

Mr. *Pitt*, in explanation, said, that his argument was, that there were grounds enough to continue the act beyond the 1st of February, but that there would not be time enough to discuss it after the meeting of the united parliament. Unless the House should think that there were grounds now existing for the further continuance then proposed, there would be an end of his argument. It had also been objected to him, that he had spoken that night more favourably of the people than usual. He could not charge himself with having ever spoken otherwise than favourably of them. The distinction which he had always made was this—that the great mass of the people were sound, loyal, and faithful; and that it was only necessary to protect them against the machinations of disaffected persons, of whom, however few the number, the existence could not be doubted.

Mr. *Perceval* observed, that an hon. gentleman had stated that the attorney general had introduced the present measure, in order to extricate himself from the embarrassment in which he would find himself were the persons now in confinement under the bill to be liberated. This he denied could form any part of his motive, as he would undertake to prove on two grounds. In the first place, as attorney general, he was not one of the executive members of government, responsible for the use made of the bill; and, secondly, at the time of the arrest and detention of the persons confined under it, he was not attorney-general. These were sufficient grounds in themselves to protect his learned friend from the motive imputed to him; and he did not think it necessary to add any thing further in his defence, as, he believed, without taking into account the humanity and goodness of heart attributed to him, he would not be charged with acting in a cruel and invidious manner. With respect to the charge against government, of detaining persons without any accusation upon oath, it was one which could not be substantiated. The hon. gentleman could not be in a state which would justify him in saying so, unless ministers had made a confession to that effect. This was obvious from the very nature of the act itself, which provides, that the oath, and the nature of the accusation shall not be divulged, the object being the concealment of the evidence on which the party was detained. The gentlemen opposite had frequently asserted the fact to be so, but he had never heard ministers acknowledge it; and surely, in a case where silence was imposed, it could not be construed into assent. As to the merits of the bill, it was curious enough to observe the arguments of the gentlemen who always opposed it. When it was first introduced, they contended that there was no ground for it; that there might indeed be some discontent in the country, but that the measure would only aggravate and inflame it into open riot. Experience, however, had shown, that this was not the operation of the bill;

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and the gentlemen, who resisted it originally on the ground that there was no seditious discontent at the time to warrant it, now changed their ground, and admitted that such discontent did exist, but that it had now subsided. One of these gentlemen had formerly conceived, that the fact of a bill found by a grand jury against Mr. O'Connor and others at Maidstone, was a sufficient reason for his not persevering in his opposition to the renewal of this same measure on that particular occasion. He (Mr. Perceval) thought that the very circumstance of this same man being now in custody under this bill for treason confessed and acknowledged, was in itself sufficient for continuing it for the length of time required. Although the state of this country might be such as to admit his discharge, the House could not so well know whether the state of Ireland, in the treasons of which he took so active a part, was such as to admit it. Such knowledge could be best obtained in the united parliament; and therefore the question, he thought, should be reserved for its consideration.

Mr. *Baker* disapproved of the opposition made to the present motion, because it was made in such a form as to seem to imply a wish on the part of the opposers merely to renew a discussion which took place last session, relative to the treatment of the prisoners confined on seditious or treasonable charges, and the state of the prisons in which they were confined; a discussion in which accusations were liberally made, but in which none of the alleged facts were proved. Gentlemen had a right to oppose; but they had no right to state what was not true. The hon. gentleman had said, that the persons confined under the provisions of this act, were kept languishing in dungeons, without fire and other comforts. The fact was, that these persons were lodged in good apartments, provided with fire, and with every accommodation that their situation would admit of. As to the hon. gentleman's assertion, that this act deprived the people of England of their rights, he thought it a libel on the people of England; for he could not believe that they could think themselves injured by an act which could only affect the seditious and the treasonable.

Sir *F. Burdett* asserted, that Mr. Perceval had entirely mistaken the question before the House, which was, not what were the sentiments of gentlemen on former occasions, but what they were as to the continuance of the suspension under present circumstances, and at the present time—whether there existed any reason for vesting a power in the executive government, to keep Englishmen in prison for four years, or even for one year, without bringing them to trial? He asserted, that ministers had grossly abused this power already, in keeping a number of persons in custody without trial, at least for a much longer time than they could pretend to have been necessary for sifting to the bottom the evidence which they had against them. The hon. gentleman who spoke last had said, that the statements made respecting the abuses existing in the Coldbath-fields prison were entirely unproved, and that they were merely the effects of party prejudice and violence. But, when he made these statements, he offered to prove them; he moved that witnesses should be examined at the bar; and he would yet pledge his character upon their veracity, were he allowed to enter into evidence upon the subject. He meant, however, to bring this subject again before the House, when he should have an opportunity of entering more fully into it.

The House divided:

Tellers.

YEAS	Mr. Attorney General Mr. Perceval	51
NOES	Mr. Sheridan Mr. Tierney	13

So it was resolved in the affirmative.

List of the Minority.

Bouverie, E.	Robson, R. B.
Brogden, J.	Richardson, J.
Burdett, sir F.	Sturt, C.
Hussey, W.	St. John, St. A.
Jeffreys, N.	Western, C. C.
Jolliffe, W.	TELLERS.
Lloyd, J. M.	Tierney, G.
Martin, J.	Sheridan, R. B.

Dec. 12. The Attorney General brought in the bill, which was read a first time. On the motion, that it be read a second time,

Mr. *Jolliffe* said, he considered the further suspension of an act which constituted the chief security of the people's liberty, as cruel, unjust, and oppressive. The characteristic of a free, as contradistinguished from a despotic government,

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was, that those suspected of having infringed the laws were sure to be brought to a speedy trial. The learned gentleman had argued, that so long as the present ministers continued in power, they would not abuse that which was committed to them. To this he might readily assent; but then, supposing other persons possessing different dispositions from them should be called upon to fill their situations, no one could answer for the use, or rather abuse of that power. If this act were liable to be suspended now upon no better grounds than what had been adduced, it was liable to be suspended at any time. He begged ministers to consider well in what a situation they put the people of this country. The ill effects of this suspension might fall even upon posterity, if this practice once got into use, till the Habeas Corpus act itself became a dead letter.

The *Attorney General* believed that the greater part of the House had their minds impressed with a persuasion of the necessity of the measure. On this account he had thought it unnecessary, on bringing it forward afresh, to take up the time of the House in detailing the reasons on which this suspension had been originally moved. The measure was one which the House had adopted from time to time. Parliament had conceived that, in existing circumstances, it was necessary to the safety of the country, that this shield should be lifted up, as a guard to the constitution of the country. All that he now desired was, that as ministers had not abused that power which parliament had vested in them, gentlemen would consider this as a pledge that they would not in future. He had stated as a reason for bringing forward the measure now, that the present Suspension act would expire on the 1st of February, and that the time of the united parliament would be so occupied, that it would have no opportunity, at so early a period, of discussing at large the general question as to the expediency of its further continuance. Having the concurrence of so large a majority of the House, nothing should deter him, in the situation which he had the honour to hold, from doing his duty. He trusted he should possess sufficient firmness, in spite of every threat, to persevere in measures which he thought right. He was persuaded, that the people at large felt their obligations to ministers; and that, from time to time, they had defended that constitution which they had been charged with destroying.

Mr. *Rose* thought the question was simply, whether if, from the meeting of the imperial parliament to the period when the bill would expire, there was too little time fully to discuss the propriety of its future repeal or farther continuance, it was not expedient to agree to the suspension now proposed? For his part he thought that the intervening space was too short for the cool consideration of the measure; and therefore he should support the bill.

Mr. *Hobhouse* said, he had not intended to have spoken this night upon the subject of the bill; but since it had come into discussion, and the learned mover had shown himself so warm in its support, he felt it impossible to give a silent vote. He agreed with him in thinking, that the question was of the highest importance, and involved the most serious consequences; but he could not concur with him in attributing so much weight to the majority of the preceding evening. Did it follow that a majority, however great, must necessarily be right? Examples of the contrary had frequently happened. One suggested itself to his memory at that moment. During the last session, the chancellor of the exchequer introduced an additional bill respecting income. It was accused, on this side of the House, of irregularity. A considerable majority over-ruled the objection; but on the subsequent day the bill was withdrawn, at the instance of the Speaker, in consequence of the alleged informality; and thus the majority reversed their own proceeding. The measure before the House, ought not to have been brought forward at this time. The learned gentleman had not proved, that any of those causes which were originally pleaded in favour of its adoption, were now in force. None of those seditious and incendiary societies, which were formerly made the subject of complaint, now existed; no menaced invasion now alarmed us for our safety. If such causes were in existence, the learned gentleman might, perhaps, be warranted in appealing to notoriety, in appealing to the feelings of the House, without adducing any particular evidence; but as no such circumstance, nor any other adequate necessity, appeared, it was for the learned gentleman to prove how this House could answer to itself for

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the continuance of a law which had so long suspended the dearest rights of the constitution, and placed the liberties of the people of England at the absolute disposal of ministers. Another argument advanced by the learned gentleman was the excellent use which ministers had made of the powers committed to their hands; but to this position he could never assent. When he saw men apprehended upon suspicion without the formality of an information upon oath, and detained nearly three years without being brought to trial, or even learning the names of their accusers, he never could join in the praises which were so undeservedly bestowed upon the gentlemen opposite. He was ready to admit that there might be times and circumstances in which it would be extremely proper to arm the executive with a power of apprehending and keeping in temporary custody persons accused of treasonable projects, until those projects could be fully developed; but it never could be said, that a space of almost three years was requisite to unravel a plot. Upon the principles of common justice, and in conformity to the spirit of the British constitution, he therefore called upon ministers to bring to a fair trial those unfortunate men who had so long languished in gloomy imprisonment, that, if guilty, they might suffer the punishment due to their offence, or, if innocent, be restored to liberty and to their friends. Their continued protracted state of confinement he could consider in no other light than an anticipation of punishment, without the form or semblance of a trial.

Mr. *Martin* said, he had once given a vote for the suspension of the Habeas Corpus act, upon the presumption that the power granted to ministers would be properly exercised; but he thought that power had been abused, by keeping persons in prison for years together, without assigning any reason for so doing.

Mr. *Sheridan* maintained, that the suspension of the Habeas Corpus act ought not to be considered as a thing which it was proper to pass on general grounds, but that every year a specific cause for its suspension should be stated. Upon the ground and principle upon which it was now recommended, there never could arrive a time, when the country would enjoy that liberty it derived through the medium of the Habeas Corpus act. It seemed to be asserted, that his side of the House had admitted the necessity of such a measure at one time; the assertion he denied. It never had been admitted on his side of the House, that a plot, such as ministers had represented it, ever existed; but it had been admitted, that there was something which furnished a pretence for trying the effect of suspending the act for a time. Those who urged the House to the adoption of the measure, pointed out no case to show its necessity; but they contented themselves with saying, Look round, and the necessity will every where present itself. By this they certainly meant to intimate, that till the spirit of republicanism was extinguished, the people of this country were not to expect the restoration of that act which was the very essence of their constitution. He feared, if such were the case, it would be difficult to say when the people would return to the enjoyment of that invaluable privilege; but it was said, that before the Suspension act could be suffered to expire, it was necessary to wait for the Irish gentlemen. Such a reason might be plausible enough, if, by waiting for them, there was any probability of gaining information the House was not already in possession of. What did the Irish members know about the internal state of this country as connected with the Habeas Corpus act? It was most extraordinary, that the reason upon which the union was recommended to them was, that they would be coming from a scene of tumult, riot, and confusion, to a land blessed with happiness, good order, and liberty; and yet, that the moment the union was effected, they were to be told, they had got into a place, where, such was the state of the public mind, that it was necessary to suspend the most valuable blessing of the constitution. Supposing the question was left to their discussion, they must necessarily think such a line of conduct was the most rigorous on the part of ministers that could be proposed. He believed, there scarcely ever was a period, when the loyalty, the temper, the moderation, and the forbearance of the people, were greater than at present; their submission to the laws, and the patience with which they endured the heavy pressure of the times, ought to place them beyond suspicion. If, however, there were persons who were justly the objects of suspicion, were there not sufficient means of repressing them? Had not ministers the assistance of the volunteer corps in checking the least tendency

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towards seditious practices? Was it possible the very small band of disaffected could in the least affect the general mass of the people? Impossible. There was nothing, then, to justify the House in acceding to such a measure.

Mr. *Pitt* observed, that it had been said by an hon. gentleman opposite, that the principle on which the House was asked to extend the suspension of the Habeas Corpus act, put an end to all hope of its ever being restored to the country. He by no means considered the question in the same point of view; nor could he imagine why the further suspension of the act, during a period when the necessity for such suspension existed, should prevent the country from having all the advantages of the act when the danger in taking off the restraints upon its operation had ceased. That circumstances rendered its suspension necessary at the present moment, was a fact of which it was impossible to doubt; and he was well assured the House would not hesitate in continuing the precaution, until it was actuated by a general persuasion that the precaution ought no longer to be continued. Could the hon. gentleman expect, when the sense of the House was in favour of continuing the precaution, that his opinion should decide the question? the hon. gentleman would be so good as to recollect, there was a time when the measure was first proposed, that it had the sanction of his opinion. Could he then think that it was necessary to proceed again to a formal inquiry, and to enter into a minute examination of evidence, in order to be satisfied of the necessity of placing such a power in the hands of ministers? Was it not a fair mode of reasoning, from what might be seen of the situation of this country and of the rest of Europe, that there did exist the same just ground for continuing the measure, as there had at first existed for adopting it? He admitted at the same time, that the effect of this measure, and of others adopted by the wisdom of parliament, had rendered the danger less in this country now, than at the period when the act was first suspended. But would the hon. gentleman say, there was not the same want of precaution, in order to prevent the return of a danger to the same extent? Would he say that the spirit of sedition and Jacobinism was wholly extinguished, and that it had no partisans in this country? Unhappily, from the peculiar state of the country, the means of inflammation were more ready now than formerly; and it had ever been seen, that those who were actuated by a spirit of hostility against the government never failed taking advantage of any temporary distress or pressure of the country, in order to inflame the minds of the people. It was the distinguishing character of that system of Jacobinism which the House had in a great measure repressed, to avail itself of the passions and prejudices of the lower orders, and to make use of them for their own destruction. Had the hon. gentleman forgotten the endeavours practised in this country to introduce the same system that had deluged Ireland with blood? To what was the country to attribute its escape from the horrors of that system, and the more violent and concise means used to repress it, but that the parliament had enabled ministers to prevent its gaining strength?—Then, as to the propriety of discussing the measure with the Irish members: in the first place he never understood that any one had ever argued the necessity of discussing the subject with the Irish members: all that was said was, that because the Suspension act would expire before the imperial parliament would have had time to devote their attention to the subject, it was a reason why it should be prolonged for a further period, till it could be fully discussed. If the House had been called upon to continue it longer, he would have had no difficulty in showing that circumstances would have justified the House in assenting to the measure. Then, as to what the hon. gentleman had said with respect to our inviting the Irish to a union with this country, by representing its superior advantages, and that by such a restraint as this we should drive them back, he would ask, at the very time when those inviting blessings were held out to them, when this unhappy land formed a striking contrast with the misery of others, what was the state of this country? This very suspicion of the designs of the seditious existed, and this very law existed to restrain them; yet the people of Ireland were to be told, their union with England had defrauded them of the liberty and calm security that they before enjoyed! It was said, the people of Ireland had not thought it necessary to have recourse to this measure. Had they not had recourse, however, to other

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measures, much more to be deplored, though no less necessary? Gentlemen on the other side of the House admitted, that, after the Habeas Corpus Suspension act, the Sedition act, and every other act which the security of the government had rendered necessary, the situation of this country was a state of liberty compared with Ireland; and yet it was now said, that, in participating the blessings of this country, the Irish would have something to regret and envy in their own. It was not meant to be contended, that the House could not come to a determination upon the subject without the Irish members; but the question was, whether it was proper that measures should be taken to prevent the danger of suffering the Suspension act to expire, until the parliament of the united kingdoms should have an opportunity of proceeding to a full discussion of the subject.

Mr. *Grey* rose for the purpose of making a few observations upon this most extraordinary measure, and the very extraordinary arguments by which it had been supported. The right hon. gentleman had stated, that the opinions of those who opposed this measure had changed; for that they now admitted that Jacobinism formerly existed, but contended that it was now extinguished. This charge appeared to him totally destitute of foundation. He, for one, never had stated, never had thought, that there were not to be found in this country some persons who were disaffected: he believed that such persons were to be found in every country, in every period. But the proposition he had always maintained was, that there never was such a spirit of discontent or disloyalty in this country as would justify ministers in depriving the people of the benefits of the constitution. In supporting this measure, at present, the gentlemen on the other side could not have recourse to the same grounds which they had urged on former occasions, because none of the reasons upon which it was formerly justified now existed. The right hon. gentleman had contended, that it was for want of precautionary measures similar to this, in other countries, that so many calamities had befallen them; but this assertion he had not attempted to prove; indeed, he would find it very difficult to do so. There appeared throughout the whole of the right hon. gentleman's conduct one very great error: formerly, the liberty of the subject, and the blessings of the constitution, were the favourite topics in that House, and among the people of England; but now the theme was changed, and the right hon. gentleman only talked of preserving the security and quiet of the people; and these were the grounds on which, in absolute governments, every measure was justified. But he wished to inquire whether it was true, as the right hon. gentleman had stated, that the revolutions in other countries were to be attributed to want of severe measures on the part of their governments? He wished to ask, whether the revolution in France was to be attributed to the extreme mildness of the government; or whether the people had not been driven by oppression into resistance? It had been remarked by a very great man at the beginning of this war, that it was never from a desire of overturning the government, but from impatience at oppression, that the people revolted.—The right hon. gentleman had stated, that he was now prepared to discuss this question upon its general principles, and that the House had materials enough before them to decide upon it. He wished the right hon. gentleman would go into the question, and state to the House what these grounds were upon which he relied. The right hon. gentleman had, indeed, referred to the report of the committee before which he said evidence was given; but if the House wanted proof upon the subject, where were they to find it? Some persons had, indeed, been taken up; but after having been confined for a long time, the evidence against them had not been found sufficiently strong to justify their being brought to trial.—Some allusions had been made to the union with Ireland. He would not enter into that subject; he only begged leave to say, that it appeared to him particularly desirable, that we should settle all points relative to internal safety, rather than leave them to the members of the sister kingdom, before they could, by a residence in this country, be acquainted with our manners and habits. If, under the present circumstances, the minister should succeed in carrying this measure, he really could not imagine any situation in which the country could be, in which he might not make such assertions as were now made, and call for the suspension of the Habeas Corpus. With respect to the manner in which this power had been used by ministers, after

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what he had heard respecting the situation of prisoners in Coldbath-fields and other prisons, there appeared so much ground for suspicion as ought to make the House pause before they renewed this bill. It had been asked, whether it would be right, under the present unfortunate pressure, to give up the security which the bill afforded? It appeared to him, if there was one argument more strong than another against the passing of this bill, it was that very argument. The people deserved that parliament should repose confidence in them: but what could they think when they saw their liberties sacrificed upon the mere assertion of the minister? What appearance would it have, when the people saw their representatives put their liberty at the mercy of ministers? The peculiar circumstances of the times called for very different conduct from that which it was now proposed to adopt: they ought to be treated with confidence, but certainly recourse ought not to be had to measures of terror; and he was convinced that such a system would create that dissatisfaction and jealousy which had produced such fatal effects in other countries.

Lord *Hawkesbury* said, it was impossible not to recollect the predictions which, on former occasions, the hon. gentleman and his friends had hazarded; it was impossible not to call to mind the arguments by which they had pressed the House not to adopt a measure, to the adoption of which was to be ascribed the existence of the constitution. He recollected, that these gentlemen had strenuously contended, that there was no Jacobinism, no spirit of disaffection existing in the country, or even if there was, that the measures which government were adopting would only aggravate the evil. It was said, that, by adopting severe measures, we should irritate the people, and destroy their love of the constitution; but on this night, the language of gentlemen was wholly changed: now it was said, that there never was a moment when the people were so loyal, when their attachment to the constitution was so sincere, notwithstanding the adoption of measures, with respect to which, gentlemen predicted such fatal consequences. The inference was, that ministers had acted wisely in adopting such measures, and that they had a direct contrary effect to that which had been predicted. The Habeas Corpus act was suspended in 1794, which suspension was suffered to expire in 1795. The events that took place after were such as rendered it necessary again to have recourse to this measure, and, he believed, that many of the evils which ensued, would not have happened if the bill had not been suffered to expire. He admitted, with satisfaction, that Jacobinism had diminished; but it was not so far diminished, as to render precautionary measures unnecessary. Though no man could feel more sincerely the praise which was due to the people, for their exemplary conduct, yet, knowing that it was the nature of Jacobinism to watch with unwearied attention for moments which might be favourable to its designs; knowing that it would eagerly take advantage of the present unfortunate pressure, he should think ministers had not done their duty, if they had acted otherwise than they had done.

The question being put, That the bill be read a second time, the House divided:

Tellers.

Yeas	The Lord Hawkesbury Mr. Nicholas Vansittart	56
Noes	Mr. Jolliffe Mr. Hobhouse	11

The bill was ordered to be read a second time on the 15th.

Dec. 15. On the order of the day for the second reading of the bill, Mr. Grey presented a Petition from Paul Thomas Le Maitre. It stated, "that he had been arrested in September 1794, when he was only 18 years of age, on suspicion of having been concerned in treasonable practices; that he was detained till the May following, and then discharged. That he was afterwards informed that a bill had been found against him by the grand jury; and that, eager to show his respect to the laws, he surrendered himself, was arraigned, and for want of evidence discharged. That he was again taken up, in consequence of Jealous, the Bow-street officer, declaring, that the instrument supposed to have been intended against his majesty's life had been found in his house. That the officer told the petitioner's mother, she would never see him out of prison again till he went to the gallows; the effect of which declaration was, that she took to her bed, and died in two months; that the petitioner was himself taken ill, seized with convulsions,

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and in that condition confined to a damp room in the Cold-bath-fields prison, where his rest was disturbed night and day, by watchmen, at stated periods, demanding whether he was secure, and insisting upon his answering them. The petition then entered into a justification of the petitioner's motives for becoming one of the London Corresponding Society;—then proceeded to impeach the character of Upton, the informer against him, and spoke in disrespectful terms of the conduct of the privy council towards him: it also stated, that he had been confined for three years in Reading gaol; and concluded by praying that his case might be inquired into by the House."

Mr. *Pitt* said, that some part of the petition was so far from being connected with the petitioner's complaint, that it was nothing more than a political essay, in the course of which he had thought proper to censure the conduct of government. The subject of the petition had no application to the general principle on which was founded the propriety of suspending the Habeas Corpus act. As to the declaration of his innocence, it could not be taken for granted. If, during his confinement, he had not been properly treated, that would very properly be the subject of inquiry; but the propriety of a general law for the suspension of the Habeas Corpus act, could not be affected by the grievance of any individual. He thought the petition ought not to lie on the table.

Mr. *Grey* said, he did not think it consistent with his duty to decline presenting the petition, especially as there was nothing informal in it. No occasion could be more opportune, since it complained, that, on account of the continued suspension of the Habeas Corpus, the petitioner had lingered nearly three years in prison, without the hope of being brought to trial.

Sir *W. Pulteney* thought it would be for the honour of the House to make inquiry into the matters stated in the petition. This inquiry might be made in a secret committee; and if it should appear that this man had stated falsehoods, they would be exposed, and a stop thereby put to calumnies.

The *Attorney General* said, that the petition contained strong reflections on his majesty's privy council, and stated a variety of matter extraneous to the petition itself. If it had been confined to personal hardships, he should have had no objection to its being laid on the table; but the reflection which it contained was indecent in itself, and unfounded. He therefore thought that, to prevent petitions of this nature from being presented, it would be better to reject the present one.

Mr. *Jolliffe* said, that the petition contained nothing that was in itself indecent or improper. If it was rejected, no aggrieved person could ever expect relief. He would divide the House on the subject.

Mr. *Simeon* said, that it was inconsistent with the dignity of the House to suffer the petitioner to state, that the person who gave information against him was a perjured wretch. This was the grossest libel on an individual that he had ever heard. As the petition was worded, he should vote for its rejection.

Mr. *Tierney* admitted, that if any resolution had been moved upon the petition, it might have been objectionable; but all that was asked was, that it should lie on the table. No man complaining of such hardships, could use any other than strong language. Every allowance ought to be made for a man who had been imprisoned three years, and who felt himself innocent. It was not parliamentary to say that a petition ought to be rejected, because it reflected on the privy council, or on his majesty's ministers. It would, he conceived, be unprecedented to reject the petition.

Lord *Hawkesbury* said, that the objection to the petition was, that it was disrespectful towards the privy council, and slandered an individual. No doubt, if such a petition were published otherwise than as a parliamentary document, the author might be indicted for a libel against Upton. Besides, the objectionable passages were wholly unnecessary to the prayer of the petition. The right of petitioning was not to be made the vehicle of calumny.

Mr. *Jekyll* said, there might be irrelevant matter in the petition, but that was not a reason for rejecting it altogether. Was it not the greatest act of injustice to keep a man confined three years without a trial? In that period, he might be deprived of the exculpatory evidence which he could have brought forward, if tried in the first instance. Could any thing be more cruel than to suffer a man, for such a length of time, to languish

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in Cold-bath-fields prison, a victim of such a man as Aris? He trusted the House would receive the petition.

The *Solicitor General* said, that although a single sentiment in a petition might be clearly relative, it did not follow that the petitioner should take the opportunity of introducing into the other parts of it libels against the government of the country. Was the House obliged to receive such a petition? The petitioner had displayed considerable art in the manner in which he had drawn it up.

Mr. *Bragge* said, that the petition was not only irrelevant, but its reflections were mischievous and libellous; they appeared to be the effect, not of ignorance, but of design. The consequence of suffering such a petition to lie on the table would be, that it would get into print, and have a pernicious effect.

Mr. *Grey* said, that a petition coming from a man who was under circumstances so pressing, ought not to be scrutinized with so scrupulous a nicety, especially when it was treating of those whom he thought his persecutors. If he had libelled the constituted authorities designedly, his petition ought not to be received; but that did not seem to him to be the real character of the petition.

Mr. *Perceval* observed, that the petition contained two distinct heads of allegation; the one related to what happened to the petitioner on a subject which had been disposed of by due course of law, and of which the House could not regularly take cognizance; the other, that he might obtain relief from what he was now suffering: in this also, it did not appear that the petition ought to be received in its present form. If Mr. Upton had acted injuriously towards the petitioner, the law would afford him redress. If he had to complain of hardships, and thought the privy council were the cause of them, the House would not examine too nicely the words he might use; but the complaint of the petitioner against the privy council had no application to the subject matter of the petition, nor was there a word of it in the prayer; for which reason it ought not to be received.

Mr. *Martin* should be sorry to give a vote which tended to encroach on the right of petitioning; but as this petition contained much matter which ought not to have appeared in it, and as the petitioner might present another, he thought it better that it should not be received.

Sir. *F. Burdett* said, that if there was any libellous matter in the petition, the parties libelled had their remedy in due course of law; for his part, he never wished to be nice in canvassing the words of a petition, especially if it came from a man who had been confined in gaol for three years. Many of the expressions were natural enough from a man in that situation As to libels on individuals, he did not think the House ought to be very nice, since many libels on individuals were published in the proceedings of the House, and for which such individuals had no redress whatever. The only question was, whether this application of an unfortunate man was reasonable or not? He thought it was; and would receive the petition.

The question being put, "That the said petition do lie upon the table," the House divided:

Tellers.

Yeas	Mr. Grey - - - -	8
	Mr. Jekyll - - - -	
Noes	The Lord Hawkesbury	59
	Mr. Perceval - - -	

The said petition was then rejected; and the question being put, "That the said bill be now read a second time," the House divided:

Tellers.

Yeas	Mr. Attorney General	57
	Mr. Bragge - - - -	
Noes	Mr. Jolliffe - - - -	8
	Sir Francis Burdett -	

Dec. 18. On the order of the day, for the third reading of the bill,

Mr. *Jekyll* said, that on former occasions, when it was judged necessary to suspend, for a short period, the great palladium of English liberty, it had been reckoned decent to present some pretext for so alarming a measure. The attorney-general for the time had thought it his duty to lay before the House something in the shape of facts and circumstances, to induce a compliance with the proposal. The next step was, to refer to former reports, and to bespeak favour to the bill, by asserting the continuance of the same dangers which those reports had disclosed. At length, even these forms were laid aside, and without one new ground being brought forward, without even the show of averment that the former dangers existed, the measure was justified by mere

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general assertions. A mere assertion that Jacobinism was still unextinguished, was held out as a motive to induce the House to renounce the noblest right of themselves, and their constituents. He was convinced, that in this country, Jacobinism had long since died a natural death. There indeed existed discontents, from the malversation of ministers; but these discontents could not justify the House in continuing to withhold from the people the best guardian of their rights. But the measure had been farther defended, from the lenity of ministers, in the exercise of the power entrusted to them. Now twenty-five men had languished in prison for nearly three years, on charges which had never been preferred against them in a regular manner. This was a practice similar to the lettres de cachet of the French monarchy, and altogether subversive of our ancient statutes. He called on the House to resist the measure even in this stage.

Sir *Francis Burdett* said, that the present measure was part of a system commencing with the present reign, and now finally completed. It was impossible to cast an eye over its several administrations, without seeing this same spirit pervade them, however different they might be in other respects. What was the state then, he would ask, to which the country was reduced by this system? Constructive treasons revived—liberty of speech taken away—the liberty of the press invaded—the administration of justice violated by making judges dependent of the crown [Hear, hear!]; yes, dependent of the crown, by the power it possessed of granting them salaries—the trial by jury violated, and the arbitrary decisions of justices of peace substituted in its room—men's private concerns subjected to shameful inquiry—a prison, to which a grand jury was refused admittance—and pensioned magistrates to manage it. In his opinion, the grand jury, had they been duly sensible of their power and rights, ought to have presented, as well the magistrates who refused their application, as the prison itself, as a public nuisance.—There was no ground whatever laid for the present motion; on the contrary, ministers disdained all colour of pretence; for if they wished for any, it would have been easy for them to have trumped up a plot or a conspiracy. There were certain gentlemen in that House, who took every occasion to make loud and strong professions of vital christianity and religion. If those gentlemen really believed what they professed; if they sincerely believed in the interposition of Divine Providence to punish nations for the delinquency of their conduct, he would call their attention to the tremendous curse denounced by the sublimest of the prophetical writers against the Babylonian tyrant, because he had reduced cities to ashes—because he had deluged the earth with blood—but, what was more heinous than all the rest—because he opened not the door of the prison-house! It required no prophetic spirit to tell, that similar causes produced similar effects; and therefore ministers might well dread the consequence of their system. He contended, that ministers did not dare to bring the victims of their oppression to trial, and that they preserved their heads and their offices by enslaving the country. As an honest man, therefore, he must enter his protest against the motion.

Mr. *Ellison* said, he knew of no resemblance there was between lettres de cachet and the bill now before the House. An hon. gentleman had said, that there were now in prison 25 persons who were unknown, and unpitied because unknown. He took the fact to be the reverse. These men were known, and, because they were known, they were not pitied. As to the fact of their being so few, he thought that a proof of the moderate use ministers had made of the power which the law gave them. If it had not been for the measure now before the House, and others of a similar kind, he did not believe there would at this hour have been left one stone upon the other, of that beautiful pile, the British constitution.

The question being put, "That the said bill be now read the third time," the House divided:

Tellers.

Yeas	Mr. Ellison Mr. Richard Ryder	52
Noes	Sir Francis Burdett Mr. Jekyll	10

The bill was then read a third time, and passed. It was to continue in force until six weeks after the commencement of the next session.

Debate in the Lords on the Habeas Corpus Suspension Bill.] Dec. 19. On

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the motion, that the bill from the Commons be read the first time,

Lord *Holland* said, he knew it was not customary to oppose a bill on its first reading, and for a very obvious reason, that it was right they should be in some measure acquainted with the nature of a bill, before they entered upon any discussion of it. However much he might approve of this custom in general cases, he could not adhere to it with regard to the present bill; for the nature of this bill was at once known from the title which it bore, and its object was such, that the moment it was proposed for a first reading, he felt himself called upon to remonstrate against it as the most flagrant breach of the constitution. At a moment when parliament had met for the great purpose of relieving the distresses of the people, a bill was brought in, whose purpose was, to place their persons, and even their lives, under the arbitrary control of those ministers by whom that control had already been so grossly abused. Never was attempt to demand confidence more misplaced; never was a proposal to give new powers more absurd. If ministers thought it necessary at the present time to suspend the Habeas Corpus act, their reasoning must be, "this suspension has saved the country from ruin, and it must be continued for the sake of security." But allowing, for the sake of argument, that the original suspension was necessary, and had been beneficial, this was no reason for continuing it, when the evil which it was intended to meet no longer existed. For what would this reasoning tend to? It would be the physician saying to his patient, "You were in a state of violent disease; I gave you a violent medicine to cure you; its efficacy is proved; you are cured; therefore you must take a double dose of the same medicine."—It was perhaps difficult to determine what combination of circumstances ought to authorize a measure like this; but certain it was, that our ancestors had never thought general assertions of danger any reason for its adoption. They admitted it only either when there was strong, clear, and decisive evidence of a conspiracy among a large body of men, among whom individuals could not be convicted and brought to punishment without giving the alarm to the rest, and allowing them an opportunity to conceal their crimes, or escape the reach of law; or, when some grand conspiracy actually did exist which it might be difficult to counteract by the general effect of the national policy. These were the only cases in which our ancestors had thought it expedient to suspend the operation of that invaluable privilege which gave security to all their rights. Ministers had now, however, thought it expedient to renounce this long established constitutional ground. They had chosen to publish a new doctrine; and instead of a striking and specific case of necessity, had risked the measure on an undefined avowal of danger. Ministers seemed to argue, that because the measure had, under certain circumstances, been productive of good, it was therefore to be continued when those circumstances had ceased to operate. He was somewhat at a loss to understand what was the real meaning of such language. Was it really their object, that all the ancient laws, which gave security and permanence to the liberty of the subject, that all the wise regulations of our ancestors to check the influence of the crown, should for ever be suspended, and that on their ruins should be established a regular system of oppression and despotism? If these were in reality their principles, it was tantamount to saying to the people of England, that their constitution was never to be restored.—That discontents did exist to a certain extent was not to be denied; that there might be some individuals who, notwithstanding the scenes of anarchy which a neighbouring county had displayed, might entertain a wish to overthrow the constituted authorities, was not impossible. He believed that never was there a country in which such discontents did not exist; in which some factious spirits were not to be found. But allowing that in this country discontents did exist to a certain degree, the true question for their lordships determination was, whether this partial evil, arising out of the best privilege of human nature, was to sanction a measure which superseded the exercise of all those rights, which had for ages distinguished the inhabitants of this favourite land?—But in considering this subject, it was farther important to contrast not merely the constitutional ground of a bill like the present, with the ground adopted by ministers, but also the use which was made of that power which it placed in their hands. It had never been the practice in the better times of the constitution to exert the

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power granted to seize and detain seditious persons, except when there was an intention to bring to trial, or when the apprehension was preceded by an accusation on oath. But what had been the use which ministers had made of their discretionary power? Had there ever been displayed on their part a determination to bring those individuals to open trial? They had detained them nearly three years without the form of accusation, and according to the still existing statutes, they could not legally hold them in confinement when that term should expire. Yet, was there the least reason to suppose that they would be able to collect, during the few months that remained, any evidence adequate to their conviction, since they had been unable to establish their guilt in a period of much longer duration? Ministers pretended that these men were detained for the sake of general security; but would any noble lord assert, that their liberation would have the least tendency to disturb the public repose? There was a time when the bare idea that ministers could have confined in some solitary cell, any individual against whom there was no charge, would have suggested the strictest scrutiny. These days he hoped would again return. He referred to the assertion, that the prison in which ministers immured the objects of their suspicion, was formed on the plan of the philanthropic Howard. Had that been the case, would a grand jury have recommended an inquiry into the internal economy of it, in consequence of the miserable situation of a person not confined for any offence, but for safe custody only? Was that a prison upon the plan of Howard, where the governor extorted money from the wretched sufferers, and made their miseries the pretence of his rapacity? But why were persons who were only objects of suspicion, sent to penitentiary houses at all? Why were persons to be sent in chains to them, as he understood had been the case with regard to some who came from Manchester?—Convinced as he was, that there was nothing in the circumstances of the country, which, even at the first introduction of the bill, could justify so violent a measure, he had opposed its enactment. The alarm excited by temporary circumstances had subsided, and the people would not now look to the continuance of the measure with the sentiments they had formerly indulged. They were alarmed, not at the prevalence of sedition and disaffection, but at the extraordinary increase of the influence of the crown. They were alarmed at the system of profusion adopted by ministers, supported by taxes now too severe to be endured. They were alarmed that a contest begun for the purpose of restraining the ambition of France, had tended to increase her aggrandizement. They were alarmed lest a war, in which they were told at its commencement France would be reduced by famine and distress, should end in producing famine and distress in this country. They were alarmed that a war carried on for the purpose of checking the designs of one state which threatened the destruction of every other, should have deprived us of every ally, and given birth to a confederacy against our existence as an independent nation.

Lord *Grenville* said, he would put one simple question to their lordships—Whether they were not convinced that there had existed in this country the seeds of a conspiracy against its government and constitution—a conspiracy of the same nature with that which had arrived at such a lamentable maturity in Ireland? The table was covered with proofs of its existence, and if these were not thought sufficient, there was the further evidence of the confession at the same time of their own guilt, made by some of the persons now detained in confinement. To counteract a conspiracy which involved the ruin of our religion, our liberties, our property, in a word, of whatever was excellent or useful, their lordships had judged it expedient, to give up for a time the exercise of one most important privilege, by that means to preserve the system itself from the destruction prepared for it. The only question now was, whether their lordships were satisfied of the propriety of their former resolution? If they were persuaded that, under the influence of the bill on the table, principles destructive of all order, subversive of all happiness, had been materially weakened; if they believed that dangerous machinations had been prevented; that scenes of anarchy, disorder, and misery witnessed in a neighbouring land, had been kept at a distance from our abodes, that the fair inheritance of genuine liberty, handed down from age to age unimpaired, had been preserved in its original perfection; if they believed this, they would have no hesitation in entertaining the present bill.

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—But it had been said that there was no evidence brought forward in support of its necessity. Was not all the information formerly laid before the House now open for the inspection of their lordships? Did not the reports on the table furnish ample evidence of the facts on which the bill was founded? Would it not, then, be to act inconsistently with their former decisions to refuse to receive the bill, under the present circumstances of the country, when sedition had so favourable an opportunity to work up the spirits of the people to disaffection? From a firm conviction that the measure had been productive of incalculable advantages, and that the present state of the country required its continuance, he should move that the bill be read a second time.

The Duke of *Bedford* could not give a silent vote against a measure which was not even defended by the shadow of an argument. He should ever reckon it as a most unjustifiable violation of the rights and liberties of the people. The noble secretary had not produced a single fact, which could induce the House to sanction its continuance. No new ground having been brought forward in support of it, and there appearing to him nothing in the state of the country to justify it, he should oppose the bill.

Lord *Eldon* admitted that it was the duty of every noble lord to spare no opportunity of resisting any bill that suspended the Habeas Corpus; as no bill to deprive the subject of that invaluable blessing ought to pass, unless the necessity was great, and felt to be so. He himself would have gone much farther than the noble lords on the point of resistance, if he was not convinced, most thoroughly, that a strong necessity had existed for the passing such bills as the present, from time to time, for some years, and still remained for now passing it. If such bills had not been passed, the sovereign not only would not have been now upon the throne, but our religion, our laws, and our freedom, would have been overturned. He denied the principle laid down, that the ground on which the Habeas Corpus act could only be suspended, was to enable government to keep men in prison, lest, by bringing them to trial, a disclosure of evidence injurious to the country should necessarily take place. On the contrary, there might be a case in which there could be no trial, yet the necessity of the measure could not be disputed. In support of this position he instanced the trials at Maidstone. It appeared that there were at that time ambassadors connected with the Irish rebellion actually passing through this country to France, for the purpose of effecting our destruction, and yet, only for the mere accident that two Bow-street officers arrested them, and not one, such was the nature of our laws, there could have been no trial. These treasons now stood admitted by the confession of the traitors themselves; men whom people of great worth in this country had represented as patterns of purity, and consequently had so far shown themselves in gross error. The state of the mind then was plainly this: there was an inchoate conspiracy in this country, but, that it had not risen to the same degree as in Ireland we were indebted to the vigilance of the government, and that it was crushed by temperate means instead of arms. He saw persons now confined here under this act who had been active in the Irish rebellion, and in the attempts to promote the same system in this country. Both these countries would be united a few days before the act would expire, and therefore he thought a subject in which they were thus mutually interested should be reserved for their joint discussion; an opportunity for which was all that was asked by the present measure.

The House divided: Contents, 17; Not-Contents, 3. The bill went through its subsequent stages without opposition.

Mr. Nicholls's Motion respecting the Interference of Lords of Parliament in the Election of Members to serve for the Commons.] Dec. 12. Mr. *Nicholls* rose to call the attention of the House to the assumption of power by certain of our fellow subjects, which he considered a violation of the law and of the fundamental principles of the constitution,—he meant the power which peers had assumed, of interfering in the election of members of that House. He was of opinion, that whenever a peer interfered in the election of a member of the House of Commons, he was guilty of a high crime and misdemeanor; and it was his intention to move, "That this House should resolve, that it is a high crime and misdemeanor for any lord of parliament or lord lieutenant of a county, to concern himself in the election of a member to serve for the Commons in parliament."

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Should he be so fortunate as to prevail on the House to come to this resolution, he should then move the House to resolve itself into a committee of the whole House, for the purpose of considering by what means peers might be most effectually restrained from interfering in the election of members of that House. Before he proceeded farther, he would state his ideas of the constitution; and those ideas, he said, were not drawn from new philosophy, but from the old law books of his country. The first author he should cite was Bracton, who lived in the reign of Henry 3rd. Bracton, speaking of the king, has this expression, "Et rex sub lege, quia lex facit regem;"—"The will of the people created the king." But when the people willed that there should be that magistrate whom we call a king, the people willed that all the other branches of the government should emanate from him. Thus the king creates the peer, an hereditary legislator, an hereditary judge, an hereditary adviser of the crown; the king creates corporations, and confers on those corporations the right of sending representatives to parliament; the king gives activity to parliament, by commanding it to assemble; the king sanctions the resolutions of parliament, and gives them the force of laws. Thus the people are the roots, the king the trunk; from that trunk proceed the limbs, the branches, the twigs, and even the leaves. In the early periods of our history, those who had a right to sit in parliament were not precisely of the same description as at present. Individuals to whom the king had granted the rights of peerage, bishops as sole corporations, and abbots as the heads and representatives of aggregate ecclesiastical corporations, composed the parliament. It is agreed, by all our lawyers and historians, that no representatives of bodies of the commonalty sat in parliament before the 40th Hen. 3rd. It is supposed that some few representatives of bodies of the commonalty were summoned to parliament in that year. But it was not until the 49th Hen. 3rd that they were summoned in any considerable number. Mr. Nicholls here read two passages, one from sir Robert Cotton, the other from Mr. Prynne, to show the opinion of our lawyers and antiquarians with respect to the motives which induced Henry 3rd in the 49th year of his reign, to summon representatives from counties, cities, and boroughs, viz. to enable him to curb the influence of his great barons in parliament. Lawyers and historians agreed, that this was the origin of the attendance of representatives of the Commons in parliament: it could not therefore be called a novel doctrine. He was aware that it was an unfashionable doctrine, and might be revolting to many. Those who considered the House of Commons as resting on the basis of universal suffrage, would be offended at the doctrine he had stated. No man conversant in the history of this country could ever bring himself to believe, that the House of Commons was built on the foundation of universal suffrage. Universal suffrage never could be established without the previous abolition of the existing constitution. Those who wished to establish the system of great families possessing a pre-eminence over the rest of the nobility, and controlling the government by their influence in the House of Commons, would be equally revolted at these positions. But he challenged any man to say that the lawyers and historians had not agreed in assigning this origin to the House of Commons. Antecedently to the 40th Henry 3rd, parliament had consisted of peers, bishops, who were sole corporations, and abbots, the representatives of aggregate ecclesiastical corporations. It was an easy transition from the representatives of aggregate ecclesiastical corporations to the representatives of aggregate lay corporations. If the histories of the other feudal monarchies of Europe were consulted, it would perhaps be found that the same motives had, in other states, induced the monarch to summon to his great council the representatives of aggregate lay corporations. A fable, which we learn in our boyish days, explains the policy of this measure. We are told, that the Gods of the higher order confederated to fetter Jupiter: Jupiter called to his assistance Briareus, the giant son of Earth, who with his hundred hands defended the throne of Jupiter, and defeated the efforts of the confederate Gods. What is the lesson of instruction conveyed to us by this fable? It is this, that in all mixed governments, of king, nobles, and commons (and such, perhaps, were all the governments of Greece at the time the fables of mythology were invented), the nobles are ever prone to encroach on the power of their sovereign. It is the Commons; it is the

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giant son of Earth, with his hundred hands, who defends the throne of his sovereign, and defeats the efforts of confederated nobles. At an early period the great nobles endeavoured to deprive the king of the protection he derived from the representatives of the Commons; for, in the 3rd Edw. 1st, we find a statute to restrain the nobles from compelling the corporations of the commonalty to return such representatives as the nobles might recommend. The statute is in these words: "Et pur ceo, que elections doivent etre franches, cy defend le roy, sur la greeve forfeiture, que nul haut homme, ni autre, per poiar des armes, ni per malice ou menaces, ne disturbe de faire franke election." The resolutions of the House of Commons, grounded on this statute, had fixed the meaning of the expression, "haut hommes," viz. that it signified, lord of parliament, or lord lieutenant of a county. The same resolutions fix the meaning of the word "disturbe," viz. that these great men shall not concern themselves in the election. Whenever a statute forbids an act to be done, he who commits that act is guilty of a high crime and misdemeanor. On this ground, he contended, that the peer who concerned himself in an election was guilty of a high crime and misdemeanor. He was aware that it would be contended, that peers were only forbid to disturb elections by force of arms or menaces; but, in fact, they were forbid to interfere at all, and force of arms and menaces were mentioned in the statute, because they were the ways by which the great barons at that time most usually interfered. But there was another expression which applied to every species of unlawful interference, viz. "per malice." The meaning of which was, that they should not disturb the election by any subtle unlawful contrivance. He said, that there were in that House about sixty members who ought to be elected by the majority of the proprietors of burgage houses in their several boroughs; that in these boroughs the great families had purchased the majority of the burgage houses; that the night before the election the peer, who was the proprietor of the burgage houses, executed deeds of conveyance of each of these burgage tenements to some one or other of his dependents. That these dependants, the next day, were polled as proprietors of the burgage houses; and the interest so created in the burgage immediately transferred back to the peer. Here the peer, by a subtle unlawful contrivance, procured the nomination of the two members: for the law had directed, that the two members should be elected by the proprietors of burgages; whereas, in fact, these men were not the proprietors, but only the instruments of the peer, to whom the peer had made fictitious colourable conveyances, that they might have the semblance of proprietors, and procure for the peer the nomination of the two members. He said, there could be no transfer of property from one man to another, without a *bond fide* intention to transfer; that the deeds of conveyance were only evidence of that intention, and that if the intention to transfer was wanting, there was no transfer. Suppose the peer, apprehensive that a creditor might obtain a judgment against him, and that these burgage houses in execution, had executed these conveyances to protect his property from being taken in execution, would the conveyances have been valid? Certainly not. The law would have said, the conveyances were colourable and fictitious, and that the property in the houses still remained in the peer. Could these conveyances be void against a creditor, and valid against the king?—He would not trouble the House with a minute detail of the manner in which the kings of England had availed themselves of the representation of the Commons to curb the power of their great nobles; only remarking, that, from the accession of Hen. 8th to the close of sir Robert Walpole's administration, the great nobles appear to have been restrained from exercising any undue influence in parliament. Soon after the fall of sir Robert Walpole, the system of great families was brought forth; the object of this system was, to dictate to the king in the choice of his minister. This was to be effected by procuring the nomination to seats in the House of Commons. The pretences on which this power was claimed were, that their ancestors had placed the Brunswick family on the throne, that they had therefore a right to dictate to the king in the choice of his minister; that the great Whig families acknowledged the sovereignty of the people; and that the ancient nobility of England would ever esteem it their highest glory to be the defenders of the rights of the people. Under these pretences, and by these

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means, the great confederated families, towards the end of the reign of George 2nd had established a power which had enabled them to keep the king in thraldom. At the accession of his present majesty, the earl of Bute saw the mischievous tendency of this system. He saw, that if the great families were allowed to persevere in their plan, the king would be rendered dependent on his great nobles; that they would, by this subtle device of nominating the members of the House of Commons, acquire a power equal to that which in ancient times the feudal barons had established by force of arms. In one word, that the king would be reduced to the condition of a king of the Mahrattas. He therefore thought it his duty to endeavour to overthrow this system. He failed in the attempt, and fell a victim to the resentment of the great families. From that hour the crown had been able to support itself only by playing one set of great families against another. He was aware that the earl of Bute had been called a Tory minister: had he lived in these days, he would probably have been called a Jacobin; for this was the name which the great families now gave to those who opposed their system. John Horne Tooke had been called a Jacobin; but John Horne Tooke's sentiments on this subject were precisely the same with those of the late earl of Bute. He would read a passage from John Horne Tooke's advertisement to the electors of Westminster on the 20th of May 1796, which would prove the truth of his assertion, that the earl of Bute and John Horne Tooke professed the same sentiments on this subject: "But you must be well aware, that if I had never known, or, knowing, had not loved the free constitution of my country, I should not have been voted a traitor by these usurping proprietors of boroughs, who are endeavouring to undermine the lawful government of King, Lords, and Commons, and to substitute a tyranny of their own, under the most odious of all forms, a temporary elective dictator, dependent only upon their own corrupt and prostituted votes. In the pursuit of their plan, and for the establishment of their power, they are endeavouring to seat themselves on the same throne by the side of their sovereign, by perverting those laws of treason which were exclusively designed to protect the person of the king, and his share of the government—by perverting them, to protect equally the share which themselves have usurped. If they can succeed in this, their next step is a short one — they will trample on him; and whenever the crown shall hereafter be awakened, and too late, perhaps, compelled to struggle with these usurpers, the most loyal adherents of royalty will be destroyed as traitors against their new majesties, the king will have no means left to protect his most faithful subjects, and the crown may find itself without a defender. This attempt of theirs is the great master treason against the crown, the nobility, and the whole Commons of the realm." — Mr. Nicholls said, that, as far as regarded his argument, he was willing to consider the earl of Bute as a Tory, and John Horne Tooke as a Jacobin; the first as most solicitous for the prerogatives of the crown, the latter as most anxious for the right of the people. What is the inference? It is this: that those who are most solicitous for the prerogatives of the crown, and those who are most solicitous for the rights of the people, concur in opinion, that this system of great families ought to be destroyed. Peers usurp, from the corporations of the commonalty, the nomination to seats in parliament. What is the consequence? In violation of the law, by the votes of their dependants in the House of Commons, they impose taxes on the people: In violation of every principle of justice, they unite accusatorial with judicial powers: and it was seen in the memorable impeachment of Mr. Hastings, that these great peers had the hardiness to give a vote of condemnation on that accusation, which, through their agents in the House of Commons, they had themselves procured to be preferred. The House of Commons exercised no judicial functions, except on matters of election; but in private bills for canals or inclosures, rights of property frequently came in question. What chance had the private man, when his interests clashed with those of the peer proprietor of boroughs? The private man had but feeble means to influence members of the House of Commons to attend and protect his rights. The great usurping oligarch, connected with other oligarchs, frequently by blood, but always from being of the same privileged order, and from having a common interest in the support of their system, could send down, not his own squadron only, but the

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squadrons of his confederates: thus right was often trampled down.—But these were little grievances, compared to that which we now suffered,—he meant the war. It was this system of great families which occasioned a perseverance in the war. The great usurping proprietors of boroughs were fearful, that, when peace was re-established, the people of England might inquire into the right of peers to nominate representatives of the commonalty; that they might calculate the calamitous effects of the war; that the people might co-operate with the crown, to prevent similar calamities from being again inflicted. They saw that in France the predominant sentiment of the people had been, not equality of rank, but equality of condition: In other words, to deprive certain of their fellow-subjects of power which they had usurped; for, though nobility was established by law in France, that inequality of condition which debases the people was of a late origin. Hence it arises, that the partisans of the system of great families proclaim that no peace is desirable, except it is accompanied with the re-establishment of the ancient regime of France. They see the people perishing from famine, the consequence of the war, and of their attempt to famish France: they see paper money about to be substituted in the place of gold. The examples of America and France both show us that the inevitable consequence of the complete substitution of paper in the place of gold, is the annihilation of funded property. They see the combination of all the other powers of Europe against us: the consequence of their attempt to make every other state subservient to their views: they hear the suppliant entreaties of a suffering people: they mercilessly answer—"No peace with France, except the ancient régime be restored." It had been well remarked by an hon. member (Mr. Jones) "that they ride on the popularity of their sovereign." The assertion is true; had they stated to the people, "the re-establishment of noblesse in France is necessary for the preservation of our power," what would have been the answer of the people—"what benefit do we derive from your power?" But they knew the people revered the personal virtues of their sovereign; that they loved his family; that they viewed the prerogatives of the crown as the best safeguard of the rights of the people; their language, therefore, was, "the king's person is in danger—royalty is in danger—this is a war for the defence of royalty!" By these arts they deluded the people; even the calamities consequent on the war promote the views of the great families. Are the people reduced to misery? Are the lower classes of the middle rank shoved down to abject poverty?—the people are better prepared to submit to their usurpation. Is the king rendered unpopular? the people will more readily adopt their doctrine, that the king ought to be controlled by a confederacy of great families. Let gentlemen recollect what took place at the termination of the American war; the peers who had urged on the American war, availed themselves of the temporary unpopularity of their sovereign, to confederate with their late opponents, and establish their system. The chancellor of the exchequer would most certainly support him in this assertion: for, on what ground could he advise his sovereign to resist the repeated addresses of the House of Commons for his removal, if it was not on this, viz. that those addresses were procured by the ascendancy of the confederated great families in this House; were they certain that they might not see another coalition on the termination of this war? It had been said, that the present chancellor of the exchequer, by increasing the peerage, had diminished the power of the great families: he admitted that this was true to a certain degree; by holding out a peerage, or elevation to a higher rank in the peerage, to every man who could procure a nomination to a certain number of seats in parliament, he had multiplied the number of the usurping oligarchs, and by that means rendered it more easy for the crown to play one set of them against another; but the oppression of the people was increased by this policy. The number of their tyrants was multiplied. Two hundred seats in that House were already under the nomination of great peers; and if the system was not checked, the Commons would soon have but little influence in the nomination of members of that House. If he was asked, whom he meant to describe by the epithets great peers, great families, usurping oligarchs? he was ready to answer the question: he meant every peer who had usurped the nomination to a seat in that House. He knew it would be said that he was an enemy to nobility: he denied that this assertion was true; he wished to preserve this order of nobility,

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and this wish was an additional motive for calling on the House to check that pre-eminence of power which was assumed by some peers, and which degraded and debased the rest of the nobility: he recollected the instance of a noble duke, the representative of the most ancient family, and possessed of the largest fortune in this kingdom. He wished to have a peerage for his younger son; he could not obtain it; he bought six seats in that House, and his request was immediately complied with. The king had two sons and a nephew who were not peers. Why were they not honoured with the peerage? Was it because they were nominated to no seats in that House? He desired the House to consider what must be the condition of the younger branches of the royal family, if this system was allowed to be pursued? If they became the stocks of families, their appanages would consist of money payments from the exchequer. These appanages would not afford them the means of acquiring a perpetuity in the nomination to seats in that House. Would they be on a level with the peer who nominated to six seats in that House? The great families, by usurping the nomination to seats in that House, were acquiring an ascendancy in parliament, similar to that which the feudal barons had possessed in ancient times. If the people of England suffered this power to be firmly established, the prerogatives of the crown and the rights of the people would both be trampled. He said, that in that language in which the epithet "tyrant" had been first used, it had no reference to cruelty. It signified nothing more than the citizen of a free state, who had usurped a power not assigned him by the laws. Whence had it arisen that "tyrant" and "cruel" were considered as synonimous? It was from this, that the subject of a free state who had usurped powers not assigned him by the laws, was ever jealous that his fellow subjects would endeavour to deprive him of the power he had unlawfully assumed. Hence Bastiles with solitary cells; espionage; suspended Habeas Corpus; barracks filled with soldiers, separated by laws from intercourse with the people, with augmented pay, and with subsistence so distributed that they may not feel the pressure of famine in common with their fellow subjects. The people of England had a right to know, whether the powers of government were vested by the laws in a King, a House of Lords, and a House of Commons, elected by corporations of the commonalty; or in a King, a House of Lords, and a House of Commons, nominated by great peers? They had a right to have this question answered, and he trusted no man would propose to the House to shrink from the decision. If the law had vested the government in King, Lords, and Commons, elected by bodies of the commonalty, it became the wisdom of that House to prevent powers of government from being unlawfully assumed. If, on the contrary, the law had vested the government in a King, a House of Lords, and a House of Commons, any indefinite number of which might be named by peers, it was the duty of parliament to declare the law. The people would then know to whom they owed obedience. The great peers seeing their rights recognized, would lay aside their jealousy, and cease to villify and calumniate the people, as restless, discontented, disloyal Jacobins. He therefore moved the House to resolve, "That it is a high crime and misdemeanor for any lord of parliament, or lord lieutenant of any county, to concern themselves in elections of members to serve for the Commons in parliament."

Mr. *Pitt* said, that the House and the country could be little interested in the fabulous story of Briareus. Thinking that what more urgently and materially concerned it should be attended to, he would move, that the other orders of the day be now read.

Mr. *Jolliffe* agreed, that the interference of any peer in the election of a member of that House, was a misdemeanor: but the hon. gentleman had made out no case to entitle his motion to discussion.

The question being put, the House proceeded to the other orders of the day.

Debate in the Commons on the Army and Navy Seduction Bill.] Dec. 18. The House having gone into a committee on the bill to continue the act for the punishment of attempts to seduce the Sea and Land Forces,

Mr. *Abbot* said, that when he considered the vast number of temporary laws now in existence, amounting to no fewer than 150; when he considered the importance of the present measure in regard to its permanent policy; and, above all, when he considered the happy consequences which had resulted from it, he was in-

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clined to move that it should be made perpetual; but when he recollected that the Irish legislature had fixed the period for the duration of a similar act till 1807, he wished the British legislature to give the present act the same degree of permanency. He should therefore move, that the blank be filled up with "August 1, 1807."

Mr. *Hobhouse* said, that when this act was first proposed, in consequence of an alarming mutiny on board the fleet, he was of opinion that the existing laws, if strictly carried into effect, were perfectly adequate to the repression of the crime. He had then reminded the House that, by the common law, he who was found guilty of seducing a soldier or sailor from his allegiance, was liable to suffer six years imprisonment, and to stand twice in the pillory; and had implored them not to have recourse to greater severity, until they were satisfied, by fair experiment, of the inefficacy of that punishment. The House in general viewed the subject in a different light from himself, and enacted that, for a time to be limited, the offence should be considered as felony without benefit of clergy. As the act, however, had passed only from year to year, he had made no opposition to it; but he could not consent that the period of its duration should be extended to seven years. Was it justifiable to continue this law for so long a term, especially as the causes which first gave rise to it were now acknowledged to be removed? His hon. friend had stated the number of temporary statutes as a ground for the present motion; but surely he must be aware that, by the same mode of argument, it might be contended that the suspension of the Habeas Corpus act should be rendered perpetual. To avoid the trouble of sessional renewals, the House had better make a general enactment, that every severe law made upon the spur of the occasion should be continued for ever, although the necessity which called it into existence for a time, had entirely vanished. It was a judicious and constitutional mode of proceeding in parliament to assign a temporary duration to measures of temporary expediency, because it was thus furnished with frequent occasions of reviewing the policy of its own acts. Upon this principle, he hoped the House would keep the power in its own hands, of passing or repealing this law at the end of every session. Our ancestors were not easily induced to make any permanent alterations in the old law of the land. Their wise and salutary caution gentlemen would do well to imitate, and not suffer themselves, through an excessive but laudable indignation against a crime of a most atrocious nature, to be hurried into the adoption of so great a change in the penal code. The transition from seven years to an unlimited period was easy. As all alarm had subsided, the House ought to be contented with the prolongation of the present law for its short and accustomed period. In the united parliament, we should have the advantage arising from the accessionary counsel of the Irish members, and then it would be seen whether the state of the country made it more adviseable to square the law of England to that of Ireland, or to adopt the contrary principle. Was it not better at all times to use moderation, when moderation was compatible with security, than to reduce every thing to one common standard of severity?—His hon. and learned friend was extremely conversant in the laws of his country. He was at this time most usefully employed in studying the difference between the English and Irish code. His researches on this head, like all his other labours, had a tendency highly advantageous to the nation; but he would submit to him, whether, in this, as well as in a former instance, he had not shown a greater leaning towards measures of severity than was customary to the feelings of his nature. Upon a former occasion, the law of treason was the subject under consideration. On the event of the death of the present cardinal of York, the sole remaining branch of the house of Stuart, the posthumous rigour of forfeiture would, by the 7th of Anne and the 17th of Geo. 2nd, have ceased in Great Britain, but not in Ireland. His hon. friend had, in a former session, brought in a bill to produce uniformity in the laws of both countries, not by abolishing in Ireland, upon the decease of the cardinal, this unjust and unnatural part of the punishment of treason, but by perpetuating it also in England. The present proceeding was of the same nature. Irish severity, not English lenity, was to be made the standard of uniformity. No member could entertain a greater abhorrence than himself of the crime of debauching the loyalty of our army and navy, and thus tainting the national defence, or be more desirous of adopting every wise and necessary measure of pre-

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vention or of punishment; but no sufficient grounds had been advanced for departing from the original policy of renewing this act from session to session.

Mr. *Abbot* denied that the present was a measure of temporary policy; and as to the objection of his hon. friend, that it had been resorted to upon the spur of the occasion, the committee, the country owed its most valued laws to temporary occurrences. The argument, that we should wait till the meeting of the united parliament, was one which might apply to any case rather than to the present. It was but the other day that the Irish parliament had fixed the duration of the act until the 1st of August 1807, and it was not to be supposed that, in the short interval between the time when that resolution was passed and the commencement of the next session, their opinion upon the subject would be at all altered.

Mr. *Tierney* reprobated the bringing forward such a measure unexpectedly at the heel of a session, which would go to impose a grievous burthen on the people of England; for such he would maintain it to be, unless it was the hon. member's object to cut off all communication between the army and the people. Since the mutiny on board the fleet, which gave rise to this bill, had subsided, not a single instance was proved to exist that could justify the continuance of the bill. What was the nature of the evidence for conviction which could in most cases be had? Why, mere alehouse conversation, and this most vague and uncertain, for which the life of an innocent man might be taken away upon the testimony of the most abandoned profligate. When this bill was brought forward, no man gave it the least resistance, under the idea that it was to continue but for six weeks longer; but what was the return for the forbearance of gentlemen on this occasion? Why, an attempt to carry the bill into a seven years continuance, without offering the slightest proof of necessity. Parliament, therefore, should not relinquish the wise exercise of its control. As to the argument for continuing this measure, that the parliament of Ireland had done so, it was the strongest reason with him for the most strenuous resistance. Every law from Ireland of late smelled of blood. Did the hon. member recollect the consequences of those sanguinary laws, of late years passed in the parliament of Ireland? Did he so soon forget that the Irish parliament, which passed those laws, was obliged to abandon its post; and that, in endeavouring to reconcile the people of that country to the measure of union, the principal boon held out to them was a riddance of that parliament which had so tyrannically trampled upon their necks? If such were the consequences of persevering in coercive measures in that country, he sincerely deprecated their wanton and unnecessary continuance in this.

Mr. *Yorke* contended for the necessity of continuing the bill for the time proposed; for what was the nature of the crime against which this measure was directed?—nothing short of high treason. Would it, therefore, be contended, that a law directed to the prevention of such a crime was a measure of mere temporary policy? The hon. gentleman had censured the conduct of the parliament of Ireland for the measures which they had adopted in the critical state of that country; but, in his mind, the parliament of Ireland on that occasion, sitting as they were in the midst of a desperate rebellion, acted with spirit and wisdom; and most of its members followed up as yeomen in the field, the laws they had, with so much spirit and wisdom, adopted in the senate; and they thereby saved their country.

Lord *Hawkesbury* said, he would appeal to the House, whether such a crime should not meet with the severest punishment. The best laws had been made on the spur of the occasion. By enacting the punishment of death for the crime of seduction, more lives would be eventually saved than lost. He approved of this bill on the ground of mercy, considering that the prevention of a crime was better than the punishment of it.

Mr. *Pierrepont* said, it was owing, perhaps, to the enactment of that law, that the House now existed. However it might be reprobated, he should never be ashamed to give his sanction to a measure to which was owing the preservation of the country. It ought to be in force as long as we wished the safety of the country to continue; and if his opinion could have any weight, he should propose that, in the place of 1807, the year 1870 should be inserted.

Mr. *Tierney* said, that to render such a law perpetual, was he thought a very bad return for the general loyalty of the people, and was a libel upon the character of both the army and navy.

The *Solicitor General* said, that the ob-

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ject of the measure was to prevent the force levied for the defence of the people from being converted to their destruction. A law which had this for its object, ought, in his opinion, to be made perpetual. The bill was not directed against the people of England, but against individuals who were the enemies of the nation; against persons who might more properly be said to belong to the people of France than to the people of England: neither did it go to throw any reflection upon the character of the army and navy. It was not more necessary to the security of the present army and navy of Great Britain, than to the army and navy at any future time.

The motion was agreed to.

Debate in the Lords on the Army and Navy Seduction Bill.] Dec. 23. On the order of the day for going into a committee on this bill,

Lord *Holland* said:—This bill, my lords, professes to have for its immediate object the prevention of the Seduction of the land and sea forces from their allegiance and duty. That such a crime is one hurtful to the state, and one therefore that it is our interest and our duty to prevent, I am not disposed to deny. I deny not the dangerous tendency of such a crime; I deny not the propriety of preventing it, if possible, and of punishing it where committed and proved, with as much severity as the security of the state and the good of the community will permit. But, of all the fallacies in human judgment, there is none I believe more pernicious than that which, holding up solely the desirableness of the object, induces us to overlook the expediency of the means, the mischiefs likely to accompany the attempt, and, above all, the pernicious consequences resulting from the failure of our endeavours. If this illusion, equally fatal to the individual and to the state, is to be guarded against in the consideration of every thing within the scope of human prudence, there is perhaps nothing in which it is more necessary to guard against it, than in the enactment of penal laws, arising from the predominance which passion has over reason: it becomes itself the source of a neglect of those true and wise maxims, that the certainty of detection, and not the severity of punishment, is the best preventive of crimes; and that the probability of detection, so far from being in proportion to the degree of punishment annexed, generally decreases in the same ratio that the other is extended. To this fatal illusion is also to be ascribed that attempt of merely and solely proportioning the punishment to our indignation at the moral guilt and dangerous tendency of the crime, without examining the difficulty of defining and ascertaining the crime, and the danger and cruelty of not doing so; without considering the incalculable mischiefs which a law that renders innocence liable to punishment, or facilitates the impunity of crimes, cannot fail of producing; an error which gives to the penal codes, even of countries whose civilization leads us to hope for better things, the character of passion rather than prudence, and the appearance of having revenge instead of security for their object.—My lords, if these observations ever applied to a bill, they apply to that now before you. The crime it proposes to punish is, and in its nature must be, indefinitely described: the punishment it proposes is excessive; and the particular process to which we are subjecting the accused, is one that, above all, is the least adapted to an offence of a nature so indefinite, and which, through circumstances and accidents, is likely to be so different in its degrees of criminality. To seduce men to disobedience and mutiny, to seduce them to become a part of mutinous assemblies, may be done by the mere utterance of words: the mere utterance of words is, then, by this bill to be punished with death, and, by the strangest perversion of common sense, common language, and common law, to be deemed felony without benefit of clergy.—My lords, the original bill was passed in a moment of danger and of alarm, at a moment when the legislature thought it necessary to impress persons in an actual state of mutiny, and those who, by such proceedings, might be agitated with various and uncertain feelings and apprehensions, with a conviction of their firmness and determination. They thought it necessary to do something, and to do that something immediately. I do not wish to quarrel with their motives, or with the result of them. I think it fair to consider such laws, as they then passed, not as the result of their deliberative, cool, and calm wisdom, but as a species of parliamentary declaration of their firmness, and their intentions, in which they show a disposition to rely on the panic produced by a new law for a short time,

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and the sensation occasioned by their resolution on an urgent and temporary state of affairs. I do not censure them for want of accurate investigation of the true principles of penal laws at that moment, though I certainly cannot pay them the compliment of pretending to have found, in this offspring of momentary passions, those traces of deliberative wisdom which would alone justify its becoming a permanent law; for, in laws of this nature, an error of judgment is attended with more fatal consequences, perhaps, than in any other branch of legislation whatever, unless it be in those which regard the regulation of provisions. For these reasons, and in the very peculiar circumstances of this session, I must indeed lament that ministers should bring forward a bill to continue, for so long a period, so severe a punishment for so indefinite a crime, and that at a time when it cannot receive the deliberation which is due to laws of this kind, and which, from the original occasion of it, it never has been the good fortune of this bill to receive. The vagueness with which this crime is described, must, if the law were ever executed, render it liable to abuse, and an instrument for the oppression of innocence; it must also render it liable to evasion, and enable, in some instances, the criminal to escape with impunity. It is clear that the same indefinite description of crime which may subject innocent words or actions, without the degree of criminality intended to be punished by the bill, to a construction into a greater degree of guilt than they really possess, must also give opportunities to real guilt, in many instances, to explain itself away, and elude the justice of the country. But when I see no necessity for this law, when I reflect that, if there is any insufficiency in checking the offence against which it is directed, that insufficiency must exist, not in want of severity, but in the difficulty of detection and conviction; and when applying to this matter the common, uniform, and invariable principle of the increase of punishment, increasing that difficulty of detection and conviction, I cannot but earnestly entreat your lordships not to alter, for any considerable period, the laws which our ancestors deemed, fully sufficient for the security and subordination of the army and navy. But, of all things, why are we to declare it felony, to any description of which it bears no analogy? Where did felony ever consist in the utterance of words? Where did the overt act of felony consist of an action which admitted of any question but a matter of fact? It is surely for this reason, that, though legal advice is allowed, the privilege of counsel to plead in his defence is denied to a prisoner accused of felony. But shall an act so liable to misinterpretation as an imprudent expression, or any thing that can go to constitute this most indefinite crime, be refused that privilege? On what criminal prosecution then, is the privilege of being heard by counsel to be granted, if not in that which may turn on the meaning of words, and the tendency of expressions, and even signs? Shall a crime which, by no reasoning whatever, can be proved the least analogous to any other species of felony, receive that denomination, in order to be subject to the same severities and hardships, which, if just and proper in all other cases, cannot in any fairness of argument be proved to be applicable to this? Surely this is at once harsh, dangerous, and unjust.—But then it will be said perhaps: "Well! this may all be very true in theory; but do you really believe that one innocent man will suffer, or that one act of tyranny will be exercised under this law?" To which I will frankly reply, I do not—at least for the present.—I think the real effect of the bill will be absolutely null—it will be a dead letter in your statute-book, after an experiment is made of its efficacy and operation; but I do not, on that account, think it either reasonable or desirable to pass it. Inefficacy in laws, especially in penal laws, is no trivial defect. It is a contagious disorder, and no ineffectual law is entered on our statute-book, without infecting more or less the whole code. It diminishes the dread of all law; it impairs the veneration for those who make and those who execute them; and when laws fail in their object, they are often as fatal to the happiness of a community, as their most sanguine admirers expected them to be beneficial: in case of success, they aggravate, by an unsuccessful attack, the evil they were formed to contend with, and produce unforeseen mischiefs, which spread in a manner and to an extent not very easy to be accounted for. Nor is this the only objection to an inefficacious and severe law; the severity does indeed render it ineffectual in common times, and vagueness in the nature of the crime adds to that operation. A jury,

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and I am sure I am far from lamenting it, above any other tribunal in the world, is biassed, in cases where life and death are depending, to the side of mercy. They hesitate in pronouncing a man guilty of a crime, the nature and description of which is not clear and definite. Such is and must be the effect of such laws, on the common decisions of juries; but juries, my lords, are men, and as men are liable to passions. When, therefore, periods of civil hatred and animosity unfortunately occur, these laws become the instruments of tyranny and oppression in the triumphant factions; the indefinite description of the crime, and the extreme severity of the punishment, facilitate the gratification of revenge, in the construction of innocent words, and the sacrifice of obnoxious persons. It is then found, that the cruelty which seemed, through the indifference and moderation of better times, to be extinct, can revive from its torpor, and possess a venom with which, even at the moment of its birth, no man imagined it to be impregnated. These laws in good times are null, in bad times they are bloody; and these laws, made on the spur of the occasion, are generally to be attributed to the want of deliberation, to the want of a serious attention to the fundamental principles on which all punishments ought to be established. It is said, good laws have been made on the spur of the occasion. I believe there may have been some, perhaps many; but of penal laws, I believe, very few. I felt almost disposed to say none. But this I know, that almost all bad, wicked, and cruel penal laws have been made on that pretence, and hurried on with a precipitation utterly incompatible with prudence, moderation, or justice. Of all laws, they are those which should be most scrupulously cut down and squared to the rule of uniform and invariable principles. They are those where a deviation from principle leads to the most pernicious consequences, and tends to the defeat of their own object with the most certainty. It is not proper, it is not dignified, it is not wise, it is not just, to pass such laws, without deliberation and inquiry. Why, then, at this period of the session, are we called upon to continue, without any urgent necessity, so severe a punishment for so indefinite a crime? Surely, my lords, it would be more consistent with that sober sense and deliberative wisdom which were the characteristics of your ancestors, to defer your decisions on so important a measure; or, if you must keep it in force for the present, to continue it at least for such a time only as will call upon you shortly to examine, with serious attention, and with sufficient leisure, its real principles, tendency, and provisions.

Lord *Grenville* said, the question then before the House was not, whether there were or were not in our penal code too many capital punishments (perhaps he, for one, might be inclined to think there were), but whether the bill ought to pass? There were but two points which the House had to consider; first, whether this was an offence that ought to be punished with death? and secondly, whether such a punishment was likely to operate as a prevention of the crime? With respect to the first point, he did not conceive that a doubt could exist upon the subject: in fact, this offence was nearly allied to the greatest crime that could be committed against society, namely, treason; and so far was it from being of a temporary nature, that it was a measure at all times necessary for the security of the state. With respect to its effects, they were to be seen in the discontinuance of the attempts it was intended to prevent. As its necessity was obvious, he did not think any objection could be founded upon the period of the session at which it was brought in.

The bill was then committed.

Debate in the Lords on the Alien Bill.] Dec. 23. On the order of the day for going into a committee on the Alien bill,

Lord *Holland* said, that he had not a seat in that House when the bill was first passed into a law; but if he had at that time had a vote upon the question, he most certainly should have opposed such great and oppressive power being lodged in the hands of ministers; for it gave them such powers, as no set of men ought ever to be trusted with. But, he objected to it on the ground of its inapplicability to the existing circumstances of the country. From the measure he conceived neither credit nor advantage could accrue to the country. The principle upon which the bill was originally adopted by parliament was merely political. It originated in an alarm caused by an influx of foreigners into the country, who being suspected of political sentiments inimical to the constitution of this country, it was apprehended that they would enter into machi-

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nations to subvert that government which they disliked. He would not go into a minute examination how far the fair principles of the Bill had been carried into effect; but he wished to ask, whether it had not been used to serve private and even family purposes? He asked them, whether its operation had been confined to the fair spirit and meaning of the legislature, to guard only against political evils? Had they not converted it to such purposes against some unfortunate foreigners, as was used to be done by lettres de cachet under the old government of France? He objected to that part of the bill which enabled ministers to send any person out of the country, on the ground that it might be the means of great cruelty and oppression, especially as many unfortunate emigrants had no country to which they could return. Persecution, and even death, awaited them at home, and no other nation would receive them. There was also another part of the bill to which he equally objected; it was that which enabled ministers to confine any foreigner whom they were pleased to suspect of mal-practices. By this part, they had the same power of the persons of foreigners as they had over our own country men by the suspension of the Habeas Corpus act, and he did not know of any principle of justice or policy by which they could confine a foreigner in this country, who had done nothing to which the laws attached criminality: if he had done any thing of that sort, the law was strong enough to punish him. By the provisions of the bill many persons were also subjected to be sent out of the country, who, in sound policy, ought to be considered as domesticated, and as naturalized persons, who had long resided here, who were married to English women, and had children born under the allegiance of our state. These were as much exposed as any others; this he considered as an additional grievance. This also he considered as much aggravated, seeing that all these persons were liable to suspicion, not merely from ministers, but were subjected to malignant information, and exposed to all the bad passions of men. He did not mean to accuse ministers of acting from personal motives against any who might have become victims of this bill, and been unwarrantably banished these kingdoms; but he asked, had the informations against them been sufficiently examined into; or had the motives of their accusers been sufficiently sifted? There had been a third secretary of state created; and though the business of that office was trifling in its nature, compared with the other departments, yet it found sufficient employ under this bill. When he considered the grounds upon which the bill was originally introduced, and examined the evils it pretended to guard against, he could not but consider the measure as unnecessary. When he saw the manner in which it had been executed, and considered the extensive and oppressive powers with which it armed government, he must oppose its further progress.

Lord *Grenville* said, that the noble lord had entirely mistaken the history, policy, and tendency of the measure. The noble lord supposed it to be directed against the people of France in particular; and that consideration alone ought to furnish the noble lord with an answer to a considerable part of his argument. With respect to the people of France, it was right to afford that protection to them which this country had done in so eminent a degree during their distress. But without this bill, it would have been impossible to have done so; since, without it, there would have been no power of discriminating between the unfortunate and the evil-disposed. But it was not merely from the people of France that we had to apprehend danger. Europe was divided in its political opinions, and was as much agitated as it had ever been formerly upon its religious sentiments; and it became us to guard against the factious of all nations. But without such a measure as the present, we should not have been enabled to have done so. With respect to the manner in which the bill had been executed, he had no idea of the facts to which the noble lord pointed. But this much he would say, that the noble person in whose department the execution of this bill lay, was of such unimpeached integrity, that it never could be supposed that he would connive at any undue extension of power. With respect to the term fixed for the limitation of the bill, he thought the House of Commons had acted with wise and sound policy. They had fixed upon the natural term, without giving any opinion of what would be then proper to be done. The noble lord had urged the oppressive power created by this bill; but Englishmen would never think it any invasion of their liberties, that foreigners should be deprived of the power of mak-

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ing attacks upon their constitution and happiness. Upon these grounds it would also meet the support of the House.

The bill then went through the committee.

Proceedings in the Commons relative to the High Price of Provisions.] Nov. 12. The House having resolved itself into a committee of the whole House, to consider of encouraging the Importation of Corn, and other grain, meal, and flour, Mr. Ryder moved the following Resolutions, which, after a short debate were agreed to:

1. "That the average price at which foreign corn shall be sold weekly in London, should be ascertained and published in The London Gazette.

2. "That there be given on every quarter of wheat, weighing 424 lbs. which shall be imported into the port of London, or into any of the principal ports of each district of Great Britain, before the 1st of October 1801, a bounty equal to the sum by which the said average price in London, published in the Gazette, in the third week after the importation of such wheat, shall be less than 100*s.* per quarter.

3. "That there be given on every quarter of barley, weighing 352 lbs. which shall be imported into the port of London, or into any of the principal ports of each district of Great Britain, before the 1st of October 1801, a bounty equal to the sum by which the said average price in London, published in the Gazette in the third week after the importation of such barley, shall be less than 45*s.* per quarter.

4. "That there be given on every quarter of rye, weighing 408 lbs. which shall be imported into the port of London, or into any of the principal ports of each district of Great Britain, before the 1st of October 1801, a bounty equal to the sum by which the said average price in London, published in the Gazette in the third week after the importation of such rye, shall be less than 65*s.* per quarter.

5. "That there be given on every quarter of oats, weighing 280 lbs. which shall be imported into the port of London, or into any of the principal ports of each district of Great Britain, before the 1st of October 1801, a bounty equal to the sum by which the average price in London, published in the Gazette in the third week after the importation of such oats, shall be less than 30*s.* per quarter.

6. "That there be given on every barrel of superfine wheaten flour, of 196lbs. weight, which shall be imported into such ports before the 1st of October 1801, and sold by public sale by auction, within two months after importation, a bounty equal to the sum by which the actual price of each barrel of such flour so sold shall be less than 70*s.*

7. "That there be given on every barrel of fine wheaten flour, of 196 lbs. weight, which shall be imported into such ports before the 1st of October 1801, and sold by public sale by auction, within two months after importation, a bounty equal to the sum by which the actual price of each barrel of such flour so sold shall be less than 68*s.*

8. "That there be given on every cwt. of rice which shall be imported into such ports in any ship which shall have cleared out from any port in the East Indies before the 1st of September 1801, and which shall be sold by public sale, a bounty equal to the sum by which the actual price of each cwt. of such rice so sold shall be less than 32*s.*

9. "That there be given on every cwt. of rice, from America, which shall be imported into such ports, before the 1st of October 1801, and sold by public sale by auction, within two months after importation, a bounty equal to the sum by which the actual price of each cwt. of such rice so sold shall be less than 35*s.*"

On the motion of Mr. Pitt, a committee was appointed to consider of the present high price of provisions.

First Report from the Commons' Committee on the High Price of Provisions.] Nov. 24. Mr. Ryder presented the following Report:

FIRST REPORT OF THE COMMITTEE APPOINTED TO CONSIDER OF THE PRESENT HIGH PRICE OF PROVISIONS.

The Committee appointed to consider of the present high price of provisions, and to whom so much of his majesty's most gracious speech from the throne to both Houses of Parliament as relates thereto, and also the several petitions presented to the House complaining of the high price of provisions, were referred:

Have, in proceeding to the consideration of the important and extensive subject referred to them, thought it their duty to direct their attention, in the first instance, to such measures as might be proposed for alleviating, as speedily as possible, the present pressure; without entering, at this moment, into a de-

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tailed inquiry respecting the various causes which may have concurred in producing it. Your Committee conceive that, by so doing, they shall best execute the intentions of the House, which has already shown, by its proceedings, that it considers the deficiency of the stock of grain at the commencement of the late harvest, and the high price which now prevails, as sufficient inducements for adopting, without loss of time, the most obvious remedies. With this view, laws have already been brought forward for encouraging the importation of grain; for empowering his majesty to prohibit the exportation of every article of provision; for permitting the importation thereof free from duty; for prohibiting all distillation from grain, and the use of wheat in starch; for permitting the barley which was damaged by wet to be made into malt, without being steeped during the time now required by law; for allowing sugar to be used instead of malt in the brewery; and for lowering the duty upon the importation of hops.

Your Committee were confirmed in their opinion of the propriety of this order of proceeding by considering that no minute inquiry into the state of the crop, or the stock now in hand, could be made without great delay; even supposing that any mode had been suggested for conducting such an inquiry, which afforded a reasonable prospect of sufficient accuracy in the result, and which would not be attended with great, if not insurmountable objections in the execution. Your Committee also see no ground for believing that any result attainable by the most detailed inquiry, could lead to any practical conclusion, applicable to the present emergency. At the same time, having many documents before them, which could be examined without much delay, and which, checked by the very extensive information of members from different parts of the country, appeared likely to enable them to form a general estimate of the crop, your Committee have thought it right to avail themselves of those materials for that purpose. These documents consist of very numerous returns to those inquiries which different departments of government have directed to be made, by the receivers of the land tax; by the various officers employed under the boards of taxes, stamps, and excise; and by those amongst the clergy to whom circular letters for that purpose had been addressed by the bishops in each diocese. Though the returns are not complete from every county, yet the omissions upon the whole are neither numerous nor important.

Your Committee are sensible that, upon the accuracy of accounts of this nature, taken separately, no positive reliance can be placed, or at least that the weight to be given to them must vary in each instance according to the opinion entertained of the diligence and information of the persons by whom they are made. Your Committee observe, however, that the general result of the returns made by each description of persons is nearly the same; that result is strongly confirmed, upon the whole, by the information of members from almost every part of England, founded upon their local inquiries, observation and correspondence. Whether the average is struck from the statements of the crop in the several counties, without regard to their size, population, or productiveness, or by throwing them into different classes with a view to those important points, still the general conclusion is not materially affected. Your Committee have not had the same means of inquiry respecting the produce of Scotland; but their information, as far as it reaches, is by no means less favourable. Your Committee, therefore, think themselves justified in taking this general result as a sufficient ground for those opinions and measures which they propose to submit, without delay, to the judgment of the House.

There appears upon the whole of this information reason to believe that the general deficiency of the crop of wheat, in England and Wales, below an average crop, does not amount to quite so much as one-fourth: and that the crops of barley and oats (though by no means uniformly good) have been very productive in many of those counties from which the principal supply is ordinarily furnished; and, therefore, that the produce of the kingdom, in those articles, cannot upon the whole, be considered as materially inferior to an average crop. It is also probable, that, in forming an average under such circumstances as the present, where the harvest has been so uncommonly various in different districts, and even in different parts of the same district, greater weight may have been given to instances of deficiency than to those of abundance, and that the produce is more likely to be stated below than above the truth. It is also very material to observe, that, by all the accounts, there is reason to think that the quality of every description of grain, is, upon the whole, greatly superior to that of the last year; and that, therefore, the increased quantity and superior quality of flour to be derived from a given quantity of grain, may be expected to compensate, in some degree for the deficiency of the produce below the average estimated by the acre. The accounts of the stock in hand furnished by these returns, are necessarily more uncertain; they are, in some degree, various; but they do not, upon the whole, furnish any ground for doubting the prevailing opinion, confirmed by the general information of the members who have attended your Committee, that the stock of British corn at the harvest was reduced far below its usual amount, and was in most places nearly, in many absolutely exhausted.

In addition to what has been stated respecting the produce of the crop and the stock in hand, it is to be observed, with a view to the state of the markets in the time which

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has elapsed since the harvest, that the farmers, during that period, have had a double demand to supply out of the new crop, for consumption and for seed, and this at a season when most of their hands were employed in the ordinary labours of the field. The quantity of grain used for seed corn is generally estimated at about six weeks consumption; and the increase of this quantity in the present year, from much more land being sown with wheat than usual, during a season particularly favourable (though it gives an encouraging prospect of future plenty), must have added, for the time, to the difficulty of furnishing sufficient supplies for the market, and thereby have contributed to increase the temporary distress. This unusual demand for wheat, and other circumstances also peculiar to the season, have contributed in many places, to delay the threshing out barley and oats, and may have had a similar temporary effect on the price of these articles.

It appears to your Committee, that these circumstances might be expected to have produced a very high price at this season, even if the late harvest had been abundant: that the degree in which it has been deficient, must naturally have added to such prices, whether with or without the concurrence of any other causes, the existence and effects of which your committee propose to investigate in a further stage of their proceedings. Your Committee, therefore, think it may reasonably be expected, that the price, produced in some degree by temporary circumstances, will, when those circumstances have ceased to operate, experience a reduction; especially when it is generally known, that on the result, of all the information that has been collected from every part of the kingdom, there is no ground to suppose that the deficiency in the crop below the usual average is greater than what your Committee have already stated; and when it is also seen to how considerable an extent we may confidently expect that deficiency to be remedied, by the double operation of importation and economy.

With respect to the former of these objects your Committee observe, that within twelve months, from 26th September 1799 to 27th September 1800, there have been imported into Great Britain no less than 1,261,932 quarters of wheat and flower, 67,988 of barley, 479,330 of oats, and 300,693 cwt. of rice. This happened under the unfavourable circumstances of a harvest abroad uncommonly deficient in quality, and not abundant in quantity, and of the late period of the season, when the bounty was granted by parliament.

It has been stated to your Committee, by several of the principal importers of corn, that the wheat of the present year, in the North of Europe, is by all accounts far superior in quality to that of last year: in Germany it is represented as abundant; and though some less favourable accounts of later dates have been received from other parts, yet it is stated that little reliance is to be placed upon them, as they have only become less favourable since the deficiency of the crop in this country has been the subject of speculation abroad: all other grain (except rye) has been uncommonly abundant on most parts of the continent of Europe. The harvest in America, both of wheat and rice has been unusually plentiful. The indemnifying bounty now proposed to be given, is considered by those importers whom your Committee have examined, as much more satisfactory than what was granted in the last session, and as likely to afford still more effectual encouragement.

There seems, therefore, no reason to doubt, as far as depends upon the state of the harvest abroad, and the probable exertions of foreign and British importers, that the supply may be fully equal to that of last year in wheat and flower, and in oats and rice will considerably exceed it; and that in other articles to which encouragement may now be extended, particularly in barley and Indian corn a large additional supply may be expected. Amongst these, your Committee wish particularly to direct the attention of the House; and the country, to the article of rice. The quantity of food to be derived from equal quantities of rice and of wheat, is, in a very great proportion, in favour of the former: the quality of this species of grain is undoubtedly excellent; and wherever it has been introduced, it appears to have been highly acceptable. The encouragement now held out to the importation of it, will probably bring into Great Britain all that can be spared from every part of America; and considerable supplies may be expected from our East India possessions, in consequence of orders sent over-land in August and September, and of the liberal terms which parliament, with the concurrence of the East India company, appears disposed to grant to adventurers now fitting out ships from hence.

Of the remaining stock of the preceding harvest of rice in America, some will arrive before Christmas, in consequence of orders already given; and the produce of the last crop may begin to reach this country in January and the succeeding months The supply from the East Indies will undoubtedly be later, but may be expected in part at a period of the summer when it must be eminently useful, and the remainder previous to the time when the harvest of 1801, according to the ordinary course of things, can be brought into general use.

There are also other articles of wholesome food, to which the attention of your committee has been directed; and they entertain considerable hopes, that arrangements may be made, by which large quantities of fish and other salted provisions, may be added to the supply of the market, at such reasonable rates as may afford a material source of relief. Your Committee mean to proceed immedi-

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ately in this part of their inquiry, and will as early as possible state the result to the House.

The stoppage of the distilleries in England, at this early season, will prove equivalent to the importation of at least 250,000 quarters of barley. In Scotland, it is stated as likely to be productive of a saving of the same article to a still greater amount; and the prohibition of the use of wheat in starch may save about 40,000 quarters. By these measures large quantities of grain are left applicable to the food of man, which have not in other years been so employed; and your Committee have therefore thought proper to class them under the same head with importation.

Your Committee think themselves authorised to place a considerable reliance upon the effect of the various measures above referred to, in increasing the general supply. Of these the encouragement offered by parliament for the importation of foreign grain is undoubtedly the most important; but whatever expectations may be reasonably formed of the great extent to which that encouragement, combined with the high price in this country, may carry it, your Committee think it their duty to state their decided opinion, and to endeavour to impress that opinion, in the strongest manner, upon the House, that it would be unwise and unsafe to place their sole reliance upon resources of this description. Allowing for the probability that the accounts before stated respecting the produce of the last harvest may be rather below than above the truth, yet the exhausted state of the old stock, and the unusually early period at which the late crop came into consumption, make it not only highly advisable, but indispensably necessary, as the most effectual means of securing an adequate supply at a reasonable rate, to have recourse to the greatest economy, in every part of the country, in the use of those articles of grain upon which the subsistence of each respective district principally depends.

Your Committee entertain the strongest expectation, that a recommendation from the highest authority, pointing out the advantages which would be derived, under the present circumstances, from the general practice of economy and frugality in these articles, could not fail to produce extensive and beneficial effects. In order to give the greatest weight and solemnity to such a recommendation, your Committee submit to the House, whether it may not be proper to desire the concurrence of the other House of Parliament in an humble address to his majesty, requesting that his majesty would be graciously pleased to issue a proclamation for this purpose. The effect of such a proclamation might undoubtedly be extended by the universal circulation which might be given to it, through the magistracy and clergy, in every district and in every parish; and associations might be entered into, by every description of persons to whom it might be addressed, for carrying it into execution in their respective neighbourhoods. The general adoption of such a measure, by diminishing the consumption of grain, and particularly of wheat, amongst those who are able to procure other articles of food, would leave, for the use of those who are unable to procure them, a larger proportion of what is necessary for their support; by decreasing the demand, the price would probably be reduced; and it may well be expected, from the past conduct of the more opulent classes, that much of what might be saved by the reduction of their own consumption, would be applied to the relief of their indigent neighbours.

Your Committee, having thus suggested the means by which they conceive that a great reduction in the consumption of corn, and particularly of wheat, may be produced by the practice of economy among a large proportion of the community, proceed to call the attention of the House to another measure, by which a similar effect may be produced, to a great extent, among the laborious classes, without in any degree diminishing their necessary subsistence; for which, on the contrary, it is the great object of the plans proposed effectually to provide. It is evident that, under the present high price, a very large proportion of the poorer classes derive, from parish relief, a considerable part of the subsistence necessary for their families: extraordinary relief under such circumstances, to a great amount, is indispensable; and it is hoped that it has been generally extended through most parts of the kingdom, on the most liberal principle, in due proportion to the extra cost of food, to the number of a family, the quantity necessary for their subsistence, and the fair amount of their earnings. But it is evident, that if the whole of this relief is given in money, it will be applied to the purchase of bread to the usual amount, and will thereby counteract that economy which it is so essential, for the interest of the poor particularly, to introduce. It seems therefore of the utmost importance to provide, that as large a portion as possible of this relief should be given, neither in money, nor in the sort of bread usually consumed in each parish, but in some other wholesome substitute, such as your Committee have before enumerated. They have indeed the satisfaction of knowing, that this practice, through the voluntary attention of magistrates, has already prevailed in many instances; and that wherever it has been adopted, its consequences have been most beneficial; but, partly from want of sufficient authority in the magistrates for this particular purpose, partly from the use of the substitutes being less generally known than at present, and from the supply of them not being as abundant as may now be expected, the practice has been less general than the interest of the country requires. Your Committee, however, are aware

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that these measures may not even now be indiscriminately applicable to every parish; from local circumstances it may be at first difficult to procure the necessary articles in sufficient quantity, or it may require some time to introduce them into general use. Your Committee therefore do not wish that a peremptory rule should be laid down, without exception, for the conduct of the magistrates in all cases in carrying into effect the general principle here stated; but they conceive, that, wherever the exception is made, the grounds of it should be specially stated and allowed; and that in all other cases the rule should be enforced. For this purpose, they would recommend that an act should be passed, requiring the magistrates of each district, within a certain time, to take into consideration the circumstances of each parish, and, at the application of the overseers, or at their own discretion, to make an order for giving a certain portion of relief in articles to be fixed, and to direct the application of so much of the rates as may be necessary for providing such articles; or if they shall be satisfied that circumstances will not then admit of such articles being provided, that they shall state their reasons, and report them to a special sessions to be directed by the act to meet for that purpose: that the magistrates assembled at such sessions shall make such order thereupon as they shall think fit, either authorizing further delay in the execution of the measure, if they shall be satisfied that the circumstances justify and require it; or if not, directing it to be enforced in such manner as they shall judge expedient. The first advantage to be procured by this measure evidently is, that of rendering the supply more equal to the necessary demand; but this advantage, though the greatest, is not the only one: the labourer, by receiving the proportion of relief in some other article than bread corn, will receive the benefit of the reduction of price, which the diminished consumption must tend to produce, in purchasing cheaper what he provides out of his own earnings, and will be less dependent on the parish for his subsistence. Every description of persons paying to the poor rates, (particularly the least opulent housekeepers, who feel the most heavily the increased burthen of that rate, and the addition to their own necessary expenses from the present high price of provisions), will be materially benefited in three ways: first, in the diminution of the rate, from a large proportion of the relief being given in articles cheaper than bread, on the price of which the relief, if given wholly in money, must be calculated: secondly, in a diminution in the amount of that part of the relief which may still be given in money, corresponding to the reduction which, as before stated, the measure has a tendency to produce in the article of bread: thirdly, in the immediate effect of such a reduction of price (as far as it may take place) in diminishing the expense of the necessary consumption of their own families.

On all these grounds, your Committee venture earnestly to recommend this measure to the early and favourable consideration of the House.

Your Committee have thus submitted, to the wisdom of the House, those measures which appear to them to claim the most immediate attention with a view to relief. They have, upon the whole, the satisfaction of being persuaded, after a deliberate review of the deficiency in the supply (arising both from the exhausted state of the stock of the former harvest, and the partial failure of the last crop), compared with the various resources which have been already pointed out, that, if the measures of economy which they have so strongly recommended are generally adopted, the saving thereby produced, together with the extensive supply expected from abroad, will be fully sufficient to compensate for such deficiency, and to provide for the necessary demand of the year.

Amongst the subjects which press upon the consideration of your Committee, is the state of the law respecting the commerce of grain. It is evidently a matter of the greatest delicacy and difficulty; and your Committee think they cannot better discharge their duty, than by taking it up in the temper recommended to parliament, by that part of his majesty's speech which has been referred to them by the House.

In their further proceedings, your Committee will give their most earnest attention to the discussion of every proposal which has for its object the relief of the present pressure, or the prevention (as far as possible) of its recurrence; and will submit, from time to time, to the judgment of the House, whatever appears to them most likely to attain those desirable ends.

Further Proceedings of the Commons relative to the High Price of Provisions.] Nov. 24. The House being in a Committee on the Importation of Corn, &c. resolved,

1. "That there be given on every cwt. of rice which shall be imported into the port of London, in any ship which shall have cleared out from any port in the East Indies before the 1st of September 1801, and which shall be sold at the East India Company's sales, a bounty equal to the sum by which the actual price of each cwt. of such rice so sold shall be less than 35*s*. 2. That there be given on every quarter of Indian corn or maize, weighing 408 lbs., which shall be imported into Great Britain before the 1st of October 1801, a bounty equal to the sum by which the average price in London, published in the Gazette in the third week after the im-

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portation of such Indian corn or maize, shall be less than 55*s*."

Nov. 26. The House having resolved itself into a Committee of the whole House, to take into consideration the First Report of the Committee on the High Price of Provisions,

Mr. *Ryder* said, as he was persuaded the said report had been much read and considered, it would be unnecessary for him to say much, in order to induce the House to adopt the measures recommended by the committee. It must be evident, notwithstanding the sanguine expectations entertained, of our being assisted by considerable supplies from abroad, and by the other measures which had been suggested, that further measures should be taken, in order that the supply of the country might become adequate to its wants. For his own part, he should have been happy if what the committee had proposed by way of recommendation, could, with propriety, have been effected by legislative provision, in order to enforce a measure so important to the subsistence of the people. At the same time, it might well be expected, that a recommendation coming from the highest authority, and enforced by the two Houses of parliament, would have nearly the same effect. He trusted that such an appeal would induce us to vie with each other in seconding his majesty's recommendation. It was proposed by the committee that the recommendation in question should be made by way of an address to his majesty, from the two Houses. He then moved, "That an humble Address be presented to his majesty, representing to his majesty, that, having taken into consideration the difficulties experienced by his majesty's subjects in consequence of the present high price of corn, and being persuaded that the prevention of all unnecessary consumption of the same will furnish one of the surest and most effectual means of alleviating the present pressure, and of providing for the necessary demands of the year, we do most humbly request his majesty, that he will be graciously pleased to issue his royal proclamation, recommending, in the strongest manner, to all such persons as have the means of procuring other articles of food, the greatest economy and frugality in the use of every species of grain; and that his majesty will cause such proclamation to be circulated through every part of the kingdom, in such manner as shall appear to his majesty's wisdom best calculated to produce, to the greatest extent, those beneficial consequences which must result from carrying into full effect his majesty's injunctions on a point so important to the subsistence of his people."

Mr. Ryder said, he had another motion to propose in the name of the committee, with a view to provide for the better subsistence of the poor. He then moved, "That leave be given to bring in a bill for making better provision for the maintenance of the poor, and for diminishing the consumption of bread corn, by directing the manner of applying parish relief, for a time to be limited." The resolutions were agreed to; after which, the House being resumed, the chairman moved them accordingly.

Mr. *Wilberforce Bird* agreed with the hon. member as to the necessity of the measures recommended. But yet he was persuaded that they would not answer the expectations of the country at large, who were filled with the hope of some effectual measure of relief for the distress under which it laboured. With the measures recommended, he was clear the people would not be satisfied; for when that report should go abroad, when it should reach that populous manufacturing city which he had the honour to represent, the people there would meet it by a direct contradiction; for they had hoped to participate in the blessings of a most abundant harvest, and would feel, under the pressure of an artificial dearth in the necessaries of life, that the great evils to which alone it could be attributed, monopoly and extortion, were still uninterrupted by any check from parliamentary interference. But even supposing that the late crop was deficient one-fourth of the usual produce for the support of the country, this could not justify an advance of above one third in the price; nor could it justify the very exorbitant increase upon the prices of barley and oats, the crops of which were admitted to be unusually abundant. The people would not be satisfied with the measures now brought forward. In times such as the present, something ought to be done effectually for their relief. The settlement of a maximum on the price of corn was an idea that he had by no means relinquished, and he should take another opportunity of giving his opinion on the subject.

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Mr. *Pitt* said:—Sir, I have not been able to discover, in the observations of the hon. gentleman, any suggestion which can tend in the slightest degree to diminish those difficulties of which he complains, and which we all feel; on the contrary, I have had the misfortune to hear sentiments advanced which can only have the effect of increasing the public uneasiness. He complains of the report which has been made, and of the measures that have been proposed, which he thinks will not prove generally satisfactory. It is undoubtedly the duty of every man who has the welfare of his country at heart, in the period of distress, to give every satisfaction to the people, and even to consult their feelings: but Sir, he has a more imperious duty to perform—I mean that of consulting their true and permanent interests: and I do not believe, that in a case of this kind, in which many men feel who cannot reason, any worse estimate can be formed of what ought to be done, than that of merely adopting measures which would fall in with and suit the feelings of a misguided, deluded, and, in many instances, of an inflamed populace. There are many cases, Sir (and without meaning any thing disrespectful to the hon. gentleman, what we have this evening heard from him affords an additional proof of it), in which a member of parliament may best consult the interests of his constituents, by not attending to their instructions. Undoubtedly, when constituents coolly, and without prejudice, speak their sentiments upon points fairly laid before them, their opinions ought to have great weight, not only with their own representatives; but with every member of the House; but they ought not to have a greater effect upon their own representatives than upon every other member. There are, undoubtedly, occasions on which gentlemen who represent large and populous places, instead of receiving instruction from their constituents, will find themselves enabled to convey to them much useful information, and to correct their errors.—I know, Sir, that in many populous places the spirit of Jacobinism, taking advantage of the pressure of hunger, as it does of every thing, has, with unwearied activity, endeavoured to increase the mischief. I know too, that there has been a disposition to inculcate the mischievous idea, that it was in the power of parliament to make every deficiency disappear—a deficiency arising principally from a succession of unfavourable seasons, whatever other causes may have contributed to it—and at once to produce abundance and cheapness. I know that many people, in suggesting remedies for the evil, have talked about a limitation of price, and have hinted at the propriety of establishing a maximum upon corn.—Now, it is evident that populous places would be the first to feel the mischief arising from the adoption of so pernicious a doctrine. It is well known, that large manufacturing districts do not grow a quantity of corn sufficient for the consumption of their numerous population; and it is equally clear, that the adoption of such a measure would necessarily put an end to transportation of grain from places where the quantity grown is greater, and where the consumption is less. The hon. gentleman must, I know, feel that this observation applies to the place which he represents, and to other places of a similar description; and I trust he will be convinced, that even alluding to such a measure must have an effect directly the reverse of that which we all wish to attain—I mean that of remedying, as far as we can, this temporary distress, and of quieting the minds of the people.—That the present high price of provisions is a grievance, no man will be disposed to deny; but how is that grievance to be remedied? Is it by producing a cheapness that is artificial? Such a measure, though it might afford a momentary consolation, by procuring a temporary relief, would inevitably produce consequences much more fatal than any that could ensue even from an artificial dearness; because that which in the period of scarcity leads to indiscreet consumption must end in final ruin. We must not forget, Sir, that our duty upon this occasion is not confined to effecting a reduction of price: there is also another consideration, of which we must not for a moment lose sight, and that is, the insuring a permanent supply; but I believe that whoever considers this subject maturely, will find that these two objects are in union with each other.—Sir, the measures which the committee have proposed for our consideration are by no means all which they will have to propose. The object to which they first directed their attention, was that of insuring a sufficiency of supply; and by so doing, they have taken the most effectual means, con-

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sistent with prudence and safety, of reducing the price. Let me ask, what are the means of reducing the price of any article? If the increase of price depends on the demand being greater than the supply, it naturally follows, that our first object, if we can accomplish it is, to increase the supply and diminish the demand. Parliament did immediately (because it was a point that required no consideration) adopt measures for augmenting as much as possible the supply. The committee have stated the grounds upon which we can form hopes of further relief upon this point; and, as another mode of increasing the supply, they have recommended measures for restraining consumption unnecessary for the public subsistence. The measures I allude to are those of stopping the distilleries, and prohibiting the manufacture of starch. They have also pointed out many articles of cheap and wholesome food, which may be used as substitutes for corn. The article of rice in particular may easily be imported into the country. There are also our fisheries, from which cheap and wholesome food may be derived, and that too in the most advantageous way; to obtain which, we need not have recourse to importation; for while it affords relief, it will augment the wealth, and increase the industry of the nation. With these, and various other measures, the committee desire you to combine the best means of enforcing every practical degree of economy in the use and consumption of the articles of life. Can any man doubt whether these means will be found effectual, who recollects the effects they produced in the last and in former years? Is not, then, this report most important? The committee have stated the circumstances of the country: they have shown that there is a deficiency which, without due precaution, will expose us to great difficulties; but they have also shown that, with due exertion, there are means, by the adoption of which we may compensate for the deficiency. Is it to be believed, that when all these circumstances are stated to the public from the highest authority, the effect will be little? I cannot, Sir, believe that it will be little in its effect in restoring a due proportion between the demand and the consumption. There is another object which will occupy the attention of the committee, and that is that part of his majesty's speech which calls upon us to consider how far any unfair proceedings may have had an influence upon the price of provisions. There is no fact on which competent evidence can be given, that will not be inquired into; but surely the committee would have done wrong, if they had deferred a practical good, in order, in the first instance, to investigate these points.

Mr. *Grey* expressed his entire concurrence with the liberal and enlightened principles which the chancellor of the exchequer had so clearly laid down. He was ready to support these principles in all cases and in all circumstances. The right hon. gentleman had, however, thrown out some expressions about the temper of the people, which he could not admit to be founded in truth. He had said that Jacobinism was ready to take advantage of the distresses of the people, to instil into their minds sentiments hostile to the government and constitution of the country. For himself, he was ready to declare, that he saw no proofs of this. If he were called upon to state a time when the people, in the midst of the severest sufferings, and privations, were most warm in their feelings of loyalty, most steady in their attachment to the constitution of the country, he would say that it was the present period. Never was there a time when political opinions and party spirit mixed so little with the sentiments of the lower orders on the subject of scarcity.—His hon. friend did not seem disposed to admit, that the deficiency of the last crop was so great as had been stated by the committee, and seemed at a loss to conceive how the increase of price bore so unequal a proportion to the actual deficiency of the harvest. From this disproportion he seemed willing to infer, that undue combinations had been formed to enhance the price of grain. This, however, was by no means a fair mode of drawing an inference. It had been sufficiently proved, by a calculation made at the end of the last century, that the price of grain in every scarcity must be raised more than the deficiency seemed to warrant. But without adverting particularly to that calculation, he thought it sufficient at present to say, that this effect, to a greater or less degree must ever necessarily result from an actual scarcity, whatever may be its extent; and that therefore no argument, in proof of the existence of such undue combinations, could be drawn from the high prices of grain during the present scarcity not bearing a

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proportion to the extent of the deficiency.—He approved of the proceedings of the committee as far as they had gone, and trusted they would be enabled to propose other measures of immediate relief. He was ready to confess, indeed, that he was never one of those who thought that much could be done by the legislature, in alleviating the general distress at the present moment. These temporary regulations might serve as antidotes to the evil; but its radical cure could only be the result of the slow operation of remedies which could not be applied on the spur of the occasion. Even peace itself could not, in the present situation of the country, restore plenty. If the people entertained any false expectations from the interference of the legislature; if they indulged the hope that the legislature would enact any laws by which the present established system of commerce should be interrupted, after the clear and explicit declaration which had been made that evening, he hoped they would henceforth cease to indulge them. He trusted, that no attempts would be made to regulate commerce by penal statutes, to fetter its course by narrow restrictions, to subject its operations to partial limitations. He hoped that the utmost freedom would be given to speculation and enterprise, and that the committee would never lose sight of the famous words of the statute of Edward, respecting the necessity of giving the utmost latitude to commercial transactions, and ensuring to every one the fruits of his labours.

Mr. *Pitt* said, that though he recognised the freedom of trade in its full extent, he did not mean to say that no regulation might be necessary in the present situation of the country. If unfair means had been used to enhance the price, he did not mean to say, that it would not be proper to inflict punishment on those convicted of such criminal practices. But still, if the punishment of unfair dealings would interfere with the course of trade, partial evils ought rather to pass wholly unpunished, than that their punishment should give rise to oppressive general regulations.

Sir *W. Pulteney* thought it was necessary to institute an inquiry into the alleged mal-practices. Very erroneous notions on the subject of the scarcity were afloat. The harvest this year had been very unequal: in some counties it had been abundant, and the people, without calculating how much was necessary to supply the deficiencies in other places, had been unable to account for the present extravagant prices. But when the people saw, from the present report, that there had been an actual deficiency of one-fourth in the late harvest, he hoped they would patiently submit to an evil which was not the result of human villany, but the effect of unfavourable seasons.

Mr. *Wilberforce* said, that the report proved that the committee had already done a great deal, and would do a great deal more. He, however, thought that economy ought to be more extensive than the committee had stated in their report. He believed there was a disposition among the people to bear their pressure with patience, if they were but convinced it arose from the ordination of Providence; and he trusted they would have good sense enough to distrust those persons, who, he knew not for what reason, seemed to have all at once great regard for the welfare of the public; the only way, however, they took to show that regard, was, by endeavours to magnify their distress, and to inflame their passions. When an hon. member said, he did not think that any endeavours had been used to withdraw the affection of the people from the government under which they lived, he seemed to take rather a view of the good sense of the people themselves, than of the artifices of those who might wish to betray them; and to judge from his own good conduct rather than that of some other persons; and this seemed to have been the case also with another hon. member who had spoken on the same side of the House. Indeed, that hon. member sometimes seemed to have a strange, uncouth and unnatural union with persons who appeared to have had no common object in view. A speech had been delivered on the first day of the session by an hon. baronet; that speech had, for what reason he knew not, been most industriously published in parts of the country where he did not expect to see it. The speech he alluded to, insisted that all the evils this country felt were owing to its government; and there was about the report of it an apparent accuracy which was very unusual, and seemed intended to produce the effect of making those who read it disaffected to the government under which they lived—

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The *Speaker* hinted, that he could hardly see how the hon. member was to connect these topics with the question now before the House.

Mr. *Wilberforce* said, that, in the view he had of things, there was a very intimate connexion. He was pointing out what appeared to him to be an artifice to draw the people off from that affection to those by whom they were governed, which had hitherto eminently distinguished them. He hoped they would still have the good sense to distinguish their real from their pretended friends; who, under the mask of friendship, were the bitterest enemies they could have. The publication to which he alluded was calculated to inflame the minds of the people, beyond the intention of any member of that House, he was confident. He did not pretend to know who the author was; but he had seen so much of the happiness of the people of this country, that to him it was an afflicting thing to see any attempt made to misguide them. — He would now take a view of the report of the committee. That committee had hitherto pursued its duty with diligence, temper, and patience; their opinions had been made up from a calm examination of facts. On the subject of fixing the price above which corn should not be sold, he had thought a great deal: some conceived that parliament had the power as well as the right to fix that price; or, in other words to fix a maximum. It was indeed said, that, in political affairs, parliament was omnipotent. In one sense that doctrine might be received; but it should be remembered, that the power of parliament did not extend to the alteration of the course of things as they appeared in nature; they were under the dispensation of Providence only, and the power which parliament possessed, was a power of settling the manner by which the property which human beings acquired in the productions of nature was to be protected; and unless we could make it the interest of those who possessed the articles we wanted, to sell them, it would be in vain to endeavour to compel them to sell at any given time, or at any given price; and, therefore, he owned, his mind had been examining this business, step by step, as the case was before him, until he had come to something like a conclusion, at least on a part of this matter. Should any gentleman say, that a maximum was a proper measure, he would ask him, by what means would he compel the farmer or owner of corn to bring the article forth? Or, if that difficulty was got over, in what proportion was the sale of it to be managed? Suppose there were two places of equal distance from the farmer, the one containing 50,000 inhabitants, the other 10,000:—the one might say, they ought to have a preference because of their superior number, the other on account of their greater necessity: how was the farmer to determine? Probably he would be disposed to go where there were the fewest inhabitants, on account of his having the less difficulty where there was the smallest number. Indeed, to endeavour to establish this sort of principle was, to commence a war with the nature of things, and was beyond the province of legislation. But it was said, that these things must be carried according to the circumstances of each case, to which he would answer, that the variations would then become so numerous as to put all rule aside, and then there would be no system at all, and the thing would not answer the purpose for which it was designed. — Besides these, there was another objection to this attempt to regulate the price; namely, that it would always be in the power of the buyer and the seller to agree together, and, by an understanding between them, to defeat any regulations which parliament might order to be observed in these cases: there appeared to him to be no means that could be adopted in this particular which would not be evaded; and, indeed, to attempt any measure of this kind, was only attempting to do a good, but which would in effect be a compendious receipt for fraud and deception. A few days ago he had received a letter from a person of veracity, who was in France at the time a maximum was fixed there: he said, that the detail of that law was such that it took up two large volumes in octavo. The evils, he said, and the distress, which this law occasioned, were so great, that the government which existed at the time of passing it was detested on that account; and the only shift the government had to take up was, that of spreading a rumour that the measure was adopted in France, from the influence of the English chancellor of the exchequer. At the same time that he said this, to show the evils of a maximum, he would also say, that no man ought to look at the

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distress of the poor of this country without endeavouring to afford them real relief. Parliament could make regulations for the protection of property; but, in cases of this kind, it was nature that decided the matter. It was gracious heaven and all-ruling Providence which gave and withheld the fruits of the earth, and it was the business of that House to provide laws by which individuals were to be secured in the fruits of their industry. He hoped the people of this country would reflect on these things, and that they would distinguish their best friends from those who pretended to be such—who were indeed their deadly enemies.

Mr. *Grey* said, that the hon. gentleman had delivered himself in terms of civility to him which he knew not how to receive, whether as a sneer, or a compliment; he had expressed surprise to see him act with persons he had acted with; to see a strange, uncouth, and unnatural union of persons who had no common object. This he took leave to call a calumny, and which the hon. gentleman ought to disavow on reflection. He thought he had a personal claim on the hon. gentleman for an explanation, who those persons were with whom this strange union had taken place.

Mr. *Wilberforce* said, that with regard to the expression he had used, he did not profess to be very accurate in his words; but the feeling he had was, and the hon. gentleman should do him the justice to recollect that he expressed it, that no member of the House wished to produce the effect which he apprehended to be the object of publishing the speech of the hon. baronet; but that when there was so industrious a publication of it, he thought there was some endeavour to make a bad impression on the public. As to the observation upon the union, he meant only that it was a strange and uncouth one for a man to make, connected as the hon. gentleman was with the prosperity of this country, with persons who had no common object in view, and whose practices had a direct tendency to bring it to ruin.

Mr. *Sheridan* said, that notwithstanding the explanation of the hon. gentleman, the objectionable part of his speech was still totally unexplained. Who were those persons? That was the question which the hon. gentleman ought to explain. If he knew of any who entertained wishes inimical to the interests of the country, why did he not speak out? He was at a loss to discover how the hon. gentleman, possessing, as the House must be convinced he did, for he said so himself, a vast deal of candour, and charity, and religion, could make charges which he could not prove, and say that a man was improperly connected with others without stating who those others were.—Now, with regard to the paper which the hon. gentleman had said he saw published as the speech of the worthy baronet, he had not proved it to be his speech; but, supposing it to be so, one thing was obvious; if the hon. gentleman thought the speech so dangerous, that a copy of it was likely to do a great deal of mischief, why did he not take constitutional means of counteracting its dangerous effect by making another in answer to it? for then the bane, and antidote would have gone together. But this was a mere trick, to divide those who had been in the habit of acting together, and to cast an unmanly reflection on the worthy baronet, whom he was proud to call his particular friend, as a man who disdained the corruption of government, who had the manliness upon all occasions to speak freely, and who had as great an interest in the welfare of the country as any man in it. With this view the worthy baronet had occasionally spoken his sentiments in that House; he had spoken against the war, and particularly in the speech, which had been alluded to he had delivered his sentiments against what he considered as a corrupt system of government; and had demanded, while ministers were holding forth the necessity of economy in the mass of the public, that they themselves should set the example, by sacrificing the profits they had from abuses, from honours, from peerages, from titles, and other means, by which it appeared to the worthy baronet there was much corruption in the conduct of public affairs. He wanted ministers to give up the profits they appeared to allow to contractors and other persons, for the sake of other influence they had in their turn. These things were felt by the worthy baronet, and he had expressed them in a manly manner; and if he was in error upon that subject, the way to answer him was not by calumny, but by reasoning; and, to render that effectual, it ought to have been applied to the speech at the time it was delivered.—He agreed in sentiment with the chancellor of the exchequer, upon the subject of compelling men to sell their property at

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any time or place, or at any fixed price; but this was a doctrine which was subject to some modification, and ought to be controlled by circumstances. It appeared to him, that there was great error in those who attempted to reduce maxims in politics to a sort of mathematical certainty. The subject was, in its nature, incapable of any such precision, and maxims themselves must be liable to certain modification by circumstances as they should happen to operate. It was true, that trade should be free; but it was not true that, even with the freedom of trade, cases might not arise which might call for the interference of the legislature with the course of some trade. It was true, what Dr. Adam Smith laid down in his book, that in general the master and servant, and no third person should settle the terms on which the one will labour and the other will pay for it; but it was not true, that there cannot occur a case in which a difference between a master and his servant should be referred to the determination of a third person.—With regard to the feelings of the people upon the subject of scarcity, he apprehended they ought not to be laid totally aside, although they might, in some instances, be founded on misconception: for instance, in the town he represented, the people all knew that in the surrounding country the harvest was abundant; they however found themselves starving, from the high price of corn, soon after the harvest was brought in: it was therefore natural enough for them to entertain doubts that this price was owing to some trick, and, on that idea, natural enough for them to express resentment; but he thought they ought not, on that account, to be treated with rebuke.—It had been said, that Jacobin principles had been broached upon the subject of the present scarcity: he admitted there had been such principles broached, not by the worthy baronet, nor by any of those with whom he acted, but by some of the judges of England, who seemed to have concerted for the purpose of marking out certain practices and certain persons as objects of popular fury; for some of these judges had gone out of their way, to complain of offences which were not before them—to talk, in general terms, when there was no indictment to be tried, of the iniquity of forestallers and regraters; they had laid it down, that such persons were the pests of society, and this before men who were afterwards to act on these sentiments in the absence of these judges; and thus they enlisted the thoughtless part of the community in the employment of hunting out of society, as pests in it, some men who were called forestallers or regraters: the mischief of which was very great, and required a remedy; and the House would not be going out of its province in considering what that remedy should be; for a committee on courts of justice, and even impeachment of judges, was not a thing unknown to the House of Commons. When he said this, he must at the same time observe, that lord Eldon, and the learned judge who went the circuit with him, to their honour, abstained from any observations of this sort.—But there were two points which he thought it his duty to throw out, by way of remedy for the evil of scarcity now complained of. The first was, that an exact account should be taken of the quantity of corn produced, together with the number of acres that produced it, and in what districts. This was easy, and it could hurt no body, for he did not propose any thing to be enacted upon it; the object only was, to possess real knowledge upon the subject, that we might not be legislating in the dark. Upon this he did not see what objection could be urged; it would, as it were, give an agricultural map of the country. The other was a permanent law for the general importation of corn; and for this purpose he would wish to open all the ports in England, at all times, for importation of corn from all places whatsoever; and if that was done, he was much deceived if this wealthy country would ever be in want of corn while there was any corn on the face of the globe. He should propose, however, that although corn might at all times be imported, it should be put under locks in the king's warehouses, and not be exposed to sale until the price was 84*s.* per quarter. This would obviate the objection, that it would discourage the growth of wheat in this country.

Mr. *Wilberforce* said, that he had not thought it necessary to answer the speech to which he had alluded when he heard it delivered, because he did not consider its tendency to be dangerous in that House, where it had been sufficiently refuted. But when he saw it circulated in the country, without any other papers being attached to it by which its dangerous tendency could be counteracted, he

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thought it incumbent on him to animadvert on the mode by which it was communicated to the lower orders. He then read some passages from the speech, which he contended were hostile, not to any particular administration, but to all administration, to all government, to all system, to all order in civil society.

Sir *F. Burdett* said, he had on former occasions as well as the present been the object of the hon. gentleman's dark insinuations, and indirect attacks; but never till now did he look upon any of them as a calumny, having been content to hold them in sovereign contempt. The hon. gentleman was pleased to remark, that the sentiments and opinions which he was in the habit of expressing, always carried with them the air of fore-thought and premeditation. He most undoubtedly thought it right to weigh well whatever he deemed it his duty to advance as a member of parliament; and if that hon. gentleman thought more, he would perhaps speak less. For his part, he never pretended to come down to the House as a dextrous and expert gladiator, nor did he frequently obtrude upon the patience of the House; it was a rule with him to speak only when he had an occasion to promote the interests of the country, or to oppose what he conceived to obstruct them. As to the objections which the hon. gentleman had set up against the speech he made on the first day of the session, he would make no other answer than by repeating the assertions he then made, and by again declaring, that it was his sincere conviction, that all the measures which were now so anxiously adopted, could only tend to delude the people, without affording them any permanent relief from the hardships under which they at present groaned. The remedy called for was a radical remedy, that would set aside the system of corruption and prodigality, on which the present administration had uniformly acted. That system was the radical evil which consumed all the resources of the country. How otherwise could it happen that a people so industrious, so active, so ingenious, and so enterprising—a people who were said to have engrossed all the trade and commerce of the world—a people whose manufactures were flourishing and extensive beyond those of any other nation, and even beyond our own at any former period—how, he asked could it happen that, with all those natural, acquired, and accidental advantages, a people thus favoured and blessed should be reduced to the deplorable state in which the country was now involved? His thorough conviction was, that all this happened because the affairs of the country remained under the inauspicious guidance of an incapable, corrupt, and profligate administration, to whose demands there were no limits, to whose prodigal expenditure there were no bounds. He now only rose to vindicate his conduct from the dark imputations which the hon. gentleman had attempted to fix upon it; and he could not refute them more completely than by re-stating his former assertions—that the war, and the vicious system upon which every thing was conducted, were the real causes of the present distress; and that there was no effectual and radical remedy for it, but the adoption of an opposite system—a system that would procure peace, reform, and economy.

The *Speaker* observed, that if he had perceived that the speech of the hon. baronet on the first day of the session had any tendency to justify the evil practices to which the hon. gentleman had alluded, he would have deemed it his duty to have prevented his proceeding; but it did not appear to him in any such light.

Mr. *Tierney* said, he wished to have a direct answer from Mr. Wilberforce, to whom the charge applied which he had so boldly brought forward. The charge was this: that "he (Mr. W.) could not see, without astonishment, how so strange a union could be formed between his hon. friend (Mr. Grey), and certain other persons whose characters were so different from that of his hon. friend, and who took advantage of the distress of the country in order to excite and enflame the people against the government." He was warmly united in politics, and in every sentiment with his hon. friend, and he therefore must call for a more explicit explanation of the charge he had heard; that explanation the hon. gentleman could not well refuse, either as a religious man, an honest man, or a member of parliament. Should the hon. gentleman still decline to give a satisfactory explanation, he must call upon the justice of the House to compel him to speak out; for, to permit such dark ambiguous insinuations to remain unexplained, would tend more to weaken the public confidence in parliament, than the most malicious efforts of Jacobinism.

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Mr. *Pitt* said, that if any exception was taken to the words used by his hon. friend, they ought to have been animadverted on, or taken down, at the time they were uttered.

The *Speaker* said, that when any irregular words had been made use of, no motion could be made for taking them down, if any other member had spoken after the hon. gentleman who was charged with uttering them. Besides, no member had a right to demand an explanation. He had only a right to interpose, and to call upon the House to animadvert upon them. This must be done by a regular motion; after which, should the House deem the words irregular, the member who uttered them incurred its censure. The hon. gentleman (Mr. Tierney) must no doubt be sensible, that he might call on the hon. gentleman's candour, who uttered the words, for an explanation, or request it as a favour in the supposition that he was misunderstood; but he could not suppose that he had any right to require an explanation.

Mr. *Wilberforce* repeated, that he meant no personal allusion to the hon. baronet; but he also repeated, that a strange, unnatural, and an uncouth kind of union seemed to exist between the hon. gentleman (Mr. Grey), and some persons who appeared inclined to promote the most mischievous opinions.

Mr. *Tierney* said, he was little inclined to request any favour from Mr. Wilberforce, and as little to rest on the broken reed of his candour [A loud cry of Order! order!]

Mr. *Whitbread* contended, that, after all his attempts, the hon. gentleman had given no explanation. He must appeal to the House, whether the hon. gentleman was not bound, not only in justice, but as a man and a member of parliament, to go somewhat farther than he had yet gone, and declare who the persons were with whom his hon. friend had a strange, unnatural, and uncouth connection.

Mr. Wilberforce then rose to speak, but was prevented by a cry of No! no!

The *Speaker* immediately observed, that he should mistake the wishes of the House if he did not recommend it to the hon. gentleman to abstain from any further discussion on this subject. Personal allusions tended only to do mischief, and were derogatory to the honour and dignity of the House.

Mr. *Whitbread* contended, that if any such persons as those alluded to by the hon. gentleman did exist in the country, they ought to be brought to condign punishment; and that the present debate ought not to go forth to the public unless a proper explanation was given.

Sir *F. Burdett* said, he would call on the hon. gentleman for an explanation. Having been so personally alluded to, he thought he had a right to do so.

The *Speaker* said, he did not conceive the hon. member to intend any personal imputation: if he did, his intention was misconceived by him; if not, the hon. gentleman, he was sure, would be ready to disclaim any such intention.

Mr. *Wilberforce* assented to what was said by the Speaker, and declared he meant no personal allusion. He would throw himself on the candour of the House, and hoped it would protect him against the battery which was raised against him by the gentlemen on the other side, who did not choose fairly to draw from his words the meaning he intended them to convey. What he intended to say was, that, in the part of the country where he resided, and which he represented, he had frequent occasion to observe, that what was approved or opposed by the hon. baronet, was also warmly approved or opposed by those persons who were most forward in clamouring against government; and it was his observation of these circumstances, which induced him to express his surprise at the strange, unnatural, and uncouth union which existed between the hon. gentleman (Mr. Grey) and some persons with whom he often acted.

Mr. *Grey* said, that the charge brought against him would be a heavy charge at all times, but it was particularly so at the present moment, and under the present circumstances of the country. The charge was no less than that he was connected with persons who were disaffected to the government, and who endeavour to inflame the multitude against it. He must appeal to the candour and justice of the House, if such a charge did not irresistibly call for an explanation. When he called for this explanation, it was not because he feared that his character could suffer any thing from such a charge; he trusted his character entitled him to set it at defiance; but it was the character of the House that was deeply involved in it. Would the House suffer any of its members to meditate the designs of which the hon. gentleman spoke, and not call for

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proofs to convict him, that he might be instantly dragged from his seat in parliament to a dungeon? The House, then, was bound to ask and have explained, who the persons were against whose conduct such insinuations were thrown out. He must therefore express his earnest desire that the hon. gentleman would declare who the persons were to whom he alluded.

Mr. *Wilberforce* said:—If the hon. gentleman will lend me his good understanding for a moment, I make no doubt of convincing him, that I only spoke of his authority being made use of to support the measures of some dangerous persons [a cry of, who?] That I do not know; but I know the cloven foot wherever I meet it; and I have no objection to restate what was my real meaning—"that there was a strange, unnatural, and uncouth union between persons who could have no common end or object in view."

Mr. Tierney moved, that these words be taken down.

The *Speaker* then explained the process on such an occasion. The motion, he said, must be first seconded, and the words, when taken down, must be read to the hon. gentleman stated to have used them; after which, an opportunity must be given him to explain, apologise, or justify. The hon. gentleman was then to withdraw, and the member who made the motion for the words to be taken down was to follow it up with some other. He wished to know from the hon. member the words which he wished to have taken down.

Mr. *Tierney* repeated—"A strange, unnatural, and uncouth union between persons who could have no common end or object in view."

The *Speaker* asked whether there were any more?

Mr. *Tierney*—"And that he knew the cloven foot"—[a laugh!] From the situation of the House, it was impossible for him to recollect the exact turn of the sentence; but if he must only take down the bare objectionable words, without coupling them with any other parts and passages of the speech to elucidate them, it would be useless for him to proceed.

The *Speaker*—The course is this: these are the words insisted upon: if they are the real words, the hon. member will have an opportunity to apologise or explain; but after he shall have withdrawn, it will be for the House to couple the words with other passages, and comment upon all he has said, for the purpose of ascertaining their meaning.

Mr. Abbot then moved, that the standing order for the exclusion of strangers should be enforced, and the gallery was cleared. It was understood, that Mr. Tierney, after some conversation, withdrew his motion. The Address was then agreed to, and sent up to the Lords; by whom it was also agreed to, and a proclamation, pursuant to the prayer thereof, was immediately issued.

Second Report from the Commons' Committee on the High Price of Provisions.] Dec. 9. Mr. Ryder brought up the following Report:

SECOND REPORT FROM THE COMMITTEE APPOINTED TO CONSIDER OF THE HIGH PRICE OF PROVISIONS.

The Committee appointed to consider of the present high price of provisions, and to whom so much of his majesty's most gracious speech from the throne to both Houses of Parliament as relates thereto, and also the several petitions presented to the House complaining of the high price of provisions, were referred:

Have, in conformity with the principles stated in their former report, continued to employ themselves in the investigation of such farther measures as might tend to produce, either an increase in the quantity, or an economy in the consumption, of food.

Among measures of this nature, the supply to be derived from the fisheries on the coasts of Great Britain, and especially the herring fishery, appeared the most considerable in point of extent, and the most pressing in point of time: which reasons have induced your committee to make it the subject of a separate report.

The attention which has been paid to the herring fishery, by several committees appointed in former sessions of parliament, has collected a very considerable mass of information on the subject; in addition to which, your Committee have called for such evidence as appeared to them necessary.

Their first inquiry was directed to ascertain the places from whence a supply may be obtained during the present season, and the extent to which it may be carried.

With respect to the first point, it appears, both from the evidence given to former committees, and from recent information, that the herring fishery, carried on during the winter, on the north-western coasts of Scotland, is neither very considerable in its present extent, nor capable of any very great immediate addition, being nearly concluded for the present year, except in Loch Roag, in the isle of Lewis, a remote and thinly-peopled

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district, to which the navigation in winter is difficult and dangerous. With respect to the herring fisheries on the English coast, it also appears that the season is nearly terminated; and the high price at which their produce has been sold, may reasonably be supposed to have encouraged the adventurers to give them the greatest extension of which they were capable. But for the last six or seven years, a great and increasing winter fishery has been carried on in the Frith of Forth, which in the present season has commenced with very considerable success. This fishery, which begins at the end of October, and continues in full season till February, produces so abundant a supply, that, in the opinion of every person who has been examined, it may be considered as inexhaustible.

It is stated to your Committee, that, in each of the two last seasons, not less than 1,200 boats were employed in the fishery; and the total quantity taken has, by the best judges, been supposed equal to 500,000 barrels, each containing about 1,000 herrings. On a supposition that, by any exertions, this quantity could be doubled in the present season, an additional supply of animal food would be obtained nearly equal to the consumption of two millions of persons in three months, allowing three herrings daily to each person; and none of the witnesses examined, either before former committees, or recently, appear to entertain any doubt of the possibility of an extension as great, or even greater than is supposed, except what arises from the difficulty of suddenly collecting a great additional number of fishermen, provided with proper boats, nets, salt, and other materials for taking and curing the fish.

On this point it is material to observe, that the Frith of Forth, running into the centre of the richest and most populous part of Scotland, and being accessible by an easy navigation, both by the eastern, and (by means of the great canal) from the western coast of the kingdom, there is no spot where the advantage of a high price would more readily attract numerous adventurers, or where any unusual encouragement held out by the legislature, in a case of particular emergency, might be expected to operate with greater effect. Accordingly it is stated, that in the three last seasons, the Frith of Forth was frequented by vessels from Ireland, from the west coast of England, and from the whole eastern coast of the kingdom, as well as from the ports in its immediate vicinity. Your Committee, being informed that the resort of purchasers to the Forth is, in this present season, great beyond all example, and that there is every appearance of as large a supply of fish as ever has been known, think there is reason to hope that the quantity taken will much exceed that in any former season, especially if the legislature should think it expedient to adopt extraordinary measures to encourage and facilitate the efforts of the adventurers.

With respect to the duration of the supply, it must be observed, that herrings sprinkled (or, as it is termed, "roused or corned,") with a moderate quantity of salt, will continue perfectly good at least two months, and are much superior in flavour and in nutritive qualities to those which are prepared, for exportation to distant countries, with a greater quantity of salt. If therefore the herrings in the Forth continue in full season till towards the middle of February (beyond which time, it is represented by the best judges as injurious to the fishery to permit them to be taken), they will be preserved till the middle of April by the ordinary method of curing in bulk, but it requires only a small addition of salt; and somewhat greater attention, to make them fit for keeping a much more considerable length of time.

The ordinary price of herrings in the Forth, when fresh out of the water, has not in former years exceeded 5*s.* or 6*s.* per cran, a measure containing about two gallons more than a barrel (i. e. about 34 gallons); but in the beginning of this season, an unusual competition among the buyers raised the price to 12*s.* and even to 15*s.* and 16*s.* per cran. This extraordinary price was not expected to continue after the principal shoals set in to the Forth, which appears to have taken place towards the end of November; and it has in the mean time an obvious tendency both to attract the greatest possible number of fishers, and to excite them to the utmost industry; and it should be farther observed, that, at the very highest price, it has been found that the Forth herrings could be retailed in London (in the state of roused sprinkled herrings), with a moderate allowance to the persons employed in retailing them, at the rate of two for one penny, a price greatly below what fish of much inferior quality have usually been sold for.

Your Committee are persuaded, that the circumstances which they have stated, will point out the essential importance of insuring the full benefit of a supply so well calculated to afford the most immediate and most extensive relief under the present temporary pressure, as well as to prevent the danger of its recurrence; and they derive great additional satisfaction from reflecting, that these advantages will be combined with many other national objects of the greatest magnitude. They therefore proceed to recommend those measures which, in their judgment, appear best adapted to produce an immediate extension of the fishery, and to provide for the supply being generally distributed, as expeditiously as possible, over different parts of the kingdom.

A very material advantage will be secured to the adventurers, by allowing them the use of duty-free salt, for curing herrings in bulk, as well as in barrel, in such limited quantities as not to occasion the danger of considerable fraud on the revenue.

With respect to the quantity proper to be

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allowed, your Committee have examined some of the officers of revenue most conversant with the subject; and from their testimony, supported by the evidence given to former committees, it results, that sixty-five pounds of salt are sufficient to preserve a cran of herrings, during the voyage from the Forth to any part of the coast of England, and for some weeks after their arrival, and to allow in ordinary cases for such waste as is unavoidable. This allowance your Committee therefore recommend as proper to be granted, by the express provisions of an act of parliament.

An additional encouragement will be given, by relieving persons, disposed to engage in this adventure, from the apprehension of being pressed into his majesty's naval service.

Your Committee therefore think it highly expedient, that persons willing to proceed to the Frith of Forth should be protected against the impress, both during their passage to the Forth, their employment in the fishery, and their return, if effected within a reasonable time. An order to this effect has been already given by the board of Admiralty; but your Committee think it may be adviseable to establish this protection by act of parliament. In order to encourage the greatest number of adventurers to repair to the Forth, directions have been given by the Treasury to the officers of the customs on the eastern coast of the island, to give notice to all fishers, or other persons owning boats capable of being so employed, of the great profit to be derived from that fishery, and of the indulgences proposed to be granted to them, and to procure a conveyance to Leith for such as are willing to engage in it. And two officers of the revenue, particularly conversant in this business, have been dispatched to those parts of the coast, for the same purposes, with directions to purchase, and send to Leith, the nets of such fishermen as they may not be able to induce to repair there.

But the obtaining from the sea as large a stock of fish as can by any means be procured, though an essential, is by no means the only object requiring the attention of parliament in this branch of the inquiries of your Committee. The most abundant supply may, to a great degree, be rendered useless, so far as the internal provision of the country is concerned, unless proper means are employed to regulate its distribution and arrangement, and to remove the prejudices which at first usually oppose the introduction of a new article of food.

This, your Committee think, will be best effected by the activity of voluntary associations of individuals, who may provide a supply suited to the wants of their respective districts, and promote its consumption by their persuasion and example. In all considerable towns, a weekly supply may be provided, and retailed to the inhabitants in general, as well as distributed to the poor by the overseers, in a certain proportion of their parochial relief. It is more peculiarly desirable that such societies should be formed in the metropolis, and such other places as are situated at the mouths of great rivers, and form the centres of extensive inland navigations, such as Liverpool, Bristol, Hull, and Lynn.

By forming considerable stores in each of those places, and such others as may be found most convenient for general communication, and by a correspondence established between the societies at each of those central places, and those of the surrounding district, the demands of every part of the country may be regularly supplied. And your Committee have the satisfaction to find, that, even previous to their inquiries into this subject, an association formed for other very useful purposes, the "Society for bettering the condition of the Poor," had undertaken, in London, the execution of a plan similar to what is here recommended; and that, as far as their operations have yet extended, they have met with all the success which could be reasonably hoped for, and have obtained a degree of public countenance and approbation, which strongly marks a general disposition to forward designs of this nature, as well as others of active benevolence. But, as the execution of such plans, on the extensive scale here pointed out, will necessarily, in the first instance, require an advance of capital beyond what can reasonably be expected from the voluntary efforts of individuals, even where they have a fair prospect of being ultimately repaid, your Committee think it essential, in order that the public may reap from them all the advantages which they appear capable of affording, that public aid, by a temporary advance of money, should be furnished, in such places as are most convenient, for the formation of large deposits.

There is also a fishery carried on in the western parts of the kingdom, from which some supply of pilchards may be expected, to a limited extent. The season for this fishery is at present over; and your Committee are informed, that about 10,000 barrels of this fish are now cured, and ready for exportation. As they have been prepared in expectation of the bounties granted by former acts of parliament, your Committee do not think it would be just to the adventurers to deprive them of this bounty, by prohibiting the exportation; but, in order to remove the temptation of carrying to a foreign market such proportion of the fish so cured as may find any demand at home, they beg leave to recommend to the House, that the bounty to which the adventurers are now entitled, upon the exportation of the pilchards actually prepared for that purpose, should be paid to them, notwithstanding such pilchards should not be exported. This measure will bring no additional charge upon the public, as the money is already due; but it may operate in retain-

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ing for the subsistence of those parts of the kingdom which are furthest removed from the herring fishery, a supply of cheap and wholesome food of the same nature.

Your Committee have received information, that, at the period when the herring fishery must be expected to end, the mackarel fishery begins on the western and southern coast of England; and they have every reason to believe, that a very considerable supply of mackarel may be obtained in succession to the herrings.

Your Committee will proceed in investigating this subject more particularly; and if their present expectation shall appear to be well founded, they will suggest to the House the expediency of affording the same encouragement and advantage to this fishery, as they propose to the House now to give to the herring fishery.

Dec. 12. The said Report being taken into consideration, the House came to the following Resolutions: 1. "That it is expedient to allow the use of salt duty free, for the purpose of preserving herrings in bulk, for a time to be limited. 2. That the bounty allowed on pilchards cured and exported, be allowed on all pilchards now cured, whether exported, or sold for home consumption. 3. That persons engaged in the herring fishery, or in going to or returning from the said fishery, should be protected from being impressed into his majesty's service, for a time to be limited."

Third Report of the Commons' Committee on the High Price of Provisions.] Dec. 15. Mr. Ryder brought up the following Report:

THIRD REPORT FROM THE COMMITTEE APPOINTED TO CONSIDER OF THE HIGH PRICE OF PROVISIONS.

The Committee appointed to consider of the present high price of provisions, and to whom so much of his majesty's most gracious speech from the throne to both Houses of Parliament as relates thereto, and also the several petitions presented to the House complaining of the high price of provisions, were referred:—

Have further proceeded in the matters to them referred, and have come to the following resolutions: 1. That an act made in the 36th year of his present majesty, intituled, "An "Act to permit bakers to make and sell cer- "tain sorts of bread," should be repealed. 2. That in order to make more effectual provision for that purpose, it is expedient to allow mixed bread, and every species of wheaten bread, except the bread made of fine household flour, to be made and sold without assize. 3. That the provisions of an act made in the last session of parliament, intituled, "An Act to pro- "hibit, until the expiration of six weeks after "the commencement of the next session of "parliament, any person or persons from "selling any bread which shall not have been "baked a certain time," should be continued, with such amendments as may make the same more effectual. 4. That it is expedient to allow the use of salt duty-free, for the purpose of preserving pilchards, mackarel, and every other kind and species of wholesome fish, either in bulk or in barrels, for a limited time.

The three first Resolutions were agreed to by the House. The consideration of the fourth resolution was postponed.

Fourth Report of the Commons' Committee on the High Price of Provisions.] Dec. 17. Mr. Ryder brought up the following Report:

FOURTH REPORT FROM THE COMMITTEE ON THE HIGH PRICE OF PROVISIONS.

The Committee appointed to consider of the present high price of provisions, and to whom so much of his majesty's most gracious speech from the throne to both Houses of Parliament as relates thereto, and also the several petitions presented to the House complaining of the high price of provisions, were referred:—

Have further proceeded in the matters to them referred, and have agreed upon the following report, viz.

One of the most important objects which has engaged the attention of your Committee, has been the consideration of the different modes of dressing wheat, with a view to ascertain whether, by any alteration in the same, any considerable addition could be made to that proportion of the produce which is now applied to the immediate subsistence of the people. This subject has been at various times under the consideration of committees of this House, and of the legislature.

An act was passed in the 13th year of his majesty's reign, by which magistrates were empowered, at their discretion, to set the assize upon standard wheaten bread alone, and thereby to prohibit the making of all other sorts of bread; but as the assize tables contained in that act were so drawn that the profit to the baker was far more considerable upon the fine wheaten bread than upon that of a coarser sort, the act has proved ineffectual. The use of bread made of wheat, from which only 5 lbs. of the bran had been excluded, was one of the means of reducing the consumption of wheat specified in the engagement which was entered into by the House in December 1795 for that purpose; and an act was then passed for allowing bakers to make such bread (as well as bread

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made of different species of grain) without being subject to the regulations of assize. The committee, which sat in the beginning of the present year, employed much time and labour in the investigation of this matter. But although the result of their deliberations, as stated in their first report, was, that they were not satisfied that any saving would arise proportionate to the disadvantages which would in the first instance attend prohibiting the millers from making any sort of flour, except one which contained a larger proportion of the grain than is now in use; yet they state, in a subsequent report, that they are strongly impressed with the advantage which might result from the consumption of bread made of the whole meal, and recommend that an assize should be framed so as to promote the use thereof. A bill was brought in for that and other purposes in the last session; but as the subject required great length of examination, and as many difficulties occurred in parts of it, the bill was at that time relinquished.

From the failure of the measures of permission and recommendation which have been adopted upon former occasions, in order to introduce the consumption of a more economical species of bread, it appears evident to your committee, that no sufficient reliance can be placed upon the repetition of similar measures, as adequate to afford material relief in the present emergency; and they are deeply impressed with the persuasion, that a degree of advantage which was not thought upon those occasions a sufficient inducement to adopt any particular measure, may become so upon the present; and that difficulties, which then deserved to have considerable weight, are now entitled to much less attention. This observation applies still more forcibly to the species of bread which your committee now propose to recommend; as the degree of advantage to be derived from it, is much greater than could be expected from adopting that species of bread, of which the last-mentioned committee declined to recommend that the consumption should be enforced by any positive law.

Your Committee, under these circumstances, have thought it their duty both to refer to the evidence collected by former committees, and to institute such farther inquiries as the time would allow, and as appeared necessary to enable them to form such an opinion as they could presume to submit to the judgment of the House.

The advantage to be procured by dressing wheat in a manner different from that which is practised for the supply of London, and of other places where the fine household bread is consumed, appears to be of two kinds. It arises from the production of a greater quantity of materials for bread from a given measure of wheat, and of a greater quantity of bread from a given weight of materials.

Both these causes operate most powerfully in the coarsest of all wheaten bread, that which is made of the whole produce of the grain without any separation. Specimens of this bread have been produced to your committee, and appeared palatable, wholesome, and nutritious. But though bread of this sort may be introduced with great advantage, where the wheat is well harvested and of good quality, and in such cases the saving may be computed at not less than one-third, yet your committee are induced, by several considerations, not to recommend this as the only mode of preparing that species of grain. They are informed, that in some cases where wheat has been very ill harvested, or is much damaged, it can only be made fit for use by a separation of the outward coat or husk; the coarse bran which is retained in this kind of bread, contains less nutriment than the other parts of the grain, and may render the food not only less palatable, but less likely to agree for a time with persons unaccustomed to it, than the bread now recommended, from which the coarse bran is excluded. It may also be apprehended, that if no flour or meal of a finer sort than the whole meal were allowed to be made, it would prove a considerable discouragement to one of the most useful methods of economy, the use of bread made of other kinds of grain mixed in different proportions with wheat; such mixtures, though capable of producing excellent bread when the grain has been so dressed as to exclude the broad bran only, are rendered less palatable by the introduction of that article. It is, however, of the greatest importance, that as large a portion of the grain should be introduced into food, as is consistent with the use of wheat of different qualities, and with the mixture of wheat with other grain. This appears to be effected by the use of what is called an 8*s.* 9*d.* seamed cloth, or a patent cloth No. 2, which excludes only the broad bran, weighing about 5lbs. or 6lbs. in a bushel of wheat. Bread of this description includes all the finer parts of the wheat, and excludes the outward husk. It is little inferior, except in colour, to the white bread, and is far superior in every respect to the bread containing none of the finer parts, which forms the food of those countries from whence London is supplied with flour. In point of economy, this species of bread comes nearest to that which is made of the whole meal, producing an addition of somewhat more than one-fifth to the bread which would be made in the ordinary mode from an equal quantity of wheat. This calculation is made on a supposition, that, in the ordinary mode of dividing the grain, the whole of what is called weighing stuff, comprising the seconds, thirds, and middlings, as well as the fine flour, is made into bread or biscuit. Supposing the quantity of various kinds of grain consumed in bread in England to amount to nine millions of quarters, and that one third of this quantity is made into fine bread, the saving which will be made in

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nine months, by the use of the kind of bread here proposed, will be no less than 450,000 quarters, or about three weeks consumption of that part of the kingdom. When the reality as well as the necessity of this saving is made apparent to the people, it may be expected that their good sense will easily reconcile them to the use of a species of bread, which long experience, in a great part of the country, has proved to be wholesome and nutritious, especially when they understand how great a reduction must be produced by this regulation in the price of the quartern loaf. By a general prohibition of the use of finer flour unmixed, all ranks and orders of society will be called upon to sacrifice to the public good any reluctance or prejudice, and to make an united effort to relieve the general pressure; and it will be in the power of individuals, or associations of the community, to facilitate the execution of this measure, as well as to anticipate its benefits in some degree, by adopting, as soon as it can be procured, the use of such bread as is here recommended in their own families, and introducing it, by their example and influence, into their respective neighbourhoods.

Your Committee have not thought it necessary to state the saving which might arise from the use of the standard wheaten or any other species of bread, finer than that which is here recommended, because they consider the necessity of the case to be such as calls for strong and effectual remedies, and because they think the introduction of the other sorts into general use would be in no respect easier than that of the bread here recommended, and would not be attended with the same degree of advantage.

Your Committee are of opinion, that, under the present circumstances, it is necessary that an assize table should be formed for this species of bread, previous to requiring its introduction, and the exclusion of all bread made of a finer meal. The shortness of the time for which this session of parliament can continue would not admit of completing such a table with perfect accuracy. But although farther experiments may be necessary for ultimately attaining that object, your committee are satisfied, from the evidence they have received, that no considerable difficulty will attend the forming immediately a table sufficiently correct to prevent any material inconvenience. They are desirous that such table should be so constructed as to ensure at least as large a profit to the baker, for the manufacture of each sack of meal into bread, as he now receives. Your committee have also the satisfaction of finding from the evidence of several respectable millers, that this alteration will be productive of no inconvenience to their trade, but will tend to make their process easier and cheaper; that the wires or cloths necessary for the proposed mode of dressing wheat and other grain are either now in use or may be readily prepared; and that the period necessary for enabling the millers to dispose of their present stock, and to arrange their machinery for the new mode of working, will not require a notice of many weeks previous to the proposed measure being enforced.

Your Committee are strongly of opinion, that it will be expedient, without delay, to prohibit, from a day to be fixed, the manufacture of flour or meal from wheat or any other grain finer than that which is dressed through an 8*s.* 6*d.* seamed cloth, or a patent cloth, No. 2, or such wire machine as produces the same effect; and to prohibit also, from a day to be fixed, the use of any bread finer than what is made of such meal; and that in the mean time it is expedient, as your committee have already represented to the House, to permit all kinds of bread, except such fine bread as that upon which the assize is at present set, to be made and sold without being subject to the regulation of assize.

It also appears expedient, that when the new assize shall be established, and the use of fine bread prohibited, permission should still be given to make any bread of inferior price, either from the whole meal of wheat, or with a mixture of wheat and rye, barley, oats, rice, or any other wholesome grain, without assize. By this means a still farther economy of wheat may be produced in such parts of the country as may adopt the use of such mixed bread; and from different specimens produced to your committee, it appears, as before stated, that wheaten meal, of the same quality as is here recommended, will make excellent bread, with a mixture of other species of grain. The use of such mixed bread will also afford the means of bringing into consumption such fine flour as may be obtained by importation, as well as any small quantities which may be left in the hands of the millers, subsequent to the time when the use of fine bread will be prohibited.

Dec. 18. The House took into consideration the preceding Report, and came to the following Resolution: "That it is expedient to prohibit the manufacture of flour or meal from wheat or any other grain, finer than that which is dressed through an 8*s.* 6*d.* seamed cloth, or a patent cloth No. 2, or such wire machine as produces the same effect; and also to prohibit the use of any bread finer or dearer than what is made of wheaten meal so dressed."

Fifth Report of the Commons' Committee on the High Price of Provisions.] Dec. 18, Mr. Ryder brought up the following Report:

FIFTH REPORT FROM THE COMMITTEE APPOINTED TO CONSIDER OF THE HIGH PRICE OF PROVISIONS.

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The Committee appointed to consider of the present high price of provisions, and to whom so much of his majesty's most gracious Speech from the throne to both Houses of Parliament, as relates thereto; and also the several petitions presented to the House, complaining of the high price of Provisions, were referred:—

Have, in proceeding in the matters to them referred, received from certain parishes in the immediate neighbourhood of the city of London, representations of the extreme difficulties under which they at this time labour, through the very great number of poor, who are induced to reside in those parishes by the cheapness of lodging, occasioned by the general smallness of the tenements, and by the impossibility of finding suitable accommodations in the richer and more central parts of the metropolis. The parishes from which these representations have come to your committee, are those of St. Matthew, Bethnal-green, Mile End New Town, and Chirst-church, Spitalfields, which are contiguous to each other.

The poor-rates in this district, which stand now, subject to abatements as to some of the smaller houses, at between four and six shillings in the pound, appear to be not materially higher than those of several other parishes; but, though the rates are not higher, it is evident to your committee, from the facts laid before them, that the pressure on the inhabitants must be much more than commonly severe, since they consist very generally of persons, in either low or very moderate circumstances, a great proportion of whom, if residing in other parts of the town, would be wholly excused.

It is stated to your Committee, that in Mile End New Town, out of 630 houses which are assessed to the poor-rates, no less than 529 are supposed to pay a yearly rent of only 11*l.* and under, and 73 others to pay a rent of only 19*l.* and under. It is also stated, that of the remaining 28 houses in that parish, 20 pay a rent of less than 28*l.*, five of 35*l.* and under, two (of which the Spitalfields workhouse is one) a rent of about 70*l.* and one only, being a warehouse, a rent of 280*l.* The whole annual rental of this parish, charged to the poor-rates, amounts to no more than 6,167*l.* Among these houses, nevertheless, are included many which pay a rent of less than 3*l.* per annum.

The proportion of small houses, or of houses divided into small lodgings, in the two other parishes, is represented as also great; and the deficiencies in the collection of the present poor-rates of all the three, are large and increasing, and the debt of each is considerable.

The point, however, to which your Committee would more particularly call the immediate attention of the House, is the very great distress to which the poor of these parishes, who are obliged to make application for parochial relief, are necessarily reduced, through the inadequacy of the funds provided for them. The officers have given in statements to your Committee, by which it appears, that they are not able to grant pecuniary aid to so much as one tenth part of those persons, who would be likely now to receive it, if they resided in other parishes; and also, that to the few whom they relieve, on account of their being entirely out of work, they give only about one-fifth or one-sixth part of the sum commonly granted in London to persons in like circumstances. It is also stated, that the workhouses are at this time exceedingly crowded.

The rental of all these parishes charged to the poor-rates, which it is usual to do according to the rack rent, is about 60,000*l.* the rental of the metropolis (if by that term is understood the district lying within the bills of mortality, together with the parishes of St. Pancras and St. Mary-le-bone) may be estimated at about fifty times that sum, or at about three millions. The number of persons in the three parishes, who are of the poorer class, and are not now relieved, are computed at between 16 and 17,000, forming unquestionably a larger portion of the poorer labourers and manufacturers of various descriptions, who work both for the city and for other parts of the town.

In order to relieve the peculiar pressure on this body of persons arising from the circumstances which have been represented, it is obvious that a considerable sum will be necessary; and it is also certain, that this necessary sum cannot be obtained by additional burthens on the parishes themselves, since it has been lately found that every advancement of the rates, causes an almost proportionate deficiency in the receipts, by producing, in a short time, an absolute necessity for allowing a material increase in the exemptions.

Your Committee, in proceeding to consider the remedy for the evil which they have stated, have adverted to a clause in the act of the 43rd year of the reign of queen Elizabeth, intituled, "An Act for the Relief of the Poor;" by which it is enacted, that "if the justices," charged with the execution of that act, shall "perceive that the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes of the act, that then two justices may tax, rate, and assess, as aforesaid, any other of other parishes, or out of any parish within the hundred where the said parish is, to pay such sum and sums of money to the churchwardens and overseers of the said poor parish, for the said purposes, as the said justices shall think fit; and if the said hundred shall not be thought by the said justices, able and fit to relieve the said several parishes, not able to provide for themselves as aforesaid, then the justices of peace, at their general quarter sessions, or the greater number of them, shall rate and assess, as aforesaid,

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any other of other parishes, or out of any parish within the said county, for the purposes aforesaid, as in their discretion shall seem fit."

This clause, when acted upon, as it has been in some instances, is understood to have led to great litigation between parishes, and to have failed of much of its intended effect; and the mode of carrying it into execution, appears to your Committee to be particularly ill calculated to provide a remedy for the evil which they have described. Though it affords a clear proof of the general intention of the legislature in this respect, it shows, that it was not the purpose of parliament that parishes burthened in a particular manner with the poor, should be so far insulated from all others, as never to call upon them for relief; and that even whole counties were considered as liable, if necessary, to be charged with additional poor-rates, in order to ease contiguous parishes which were alike burthened. But in respect to the manner of apportioning the new burthen, it gives much more discretion to the magistrates than they can be supposed desirous of exercising; while also (leaving evidently out of its contemplation the case of a few adjacent parishes, all equally disabled from supporting their poor, through their contiguity to the metropolis) it directs the levying of the auxiliary rate only in a part of that particular hundred, which comprehends the parish or parishes in distress; except, indeed, that when such whole hundred shall have been rendered in the same degree incapable of affording further support of the poor, direction is then given to raise the whole sum that is necessary, arbitrarily, in any part of the same county. But, however defective this clause in the act of Elizabeth may be, the general principle of it is so equitable in itself, and is so easily rendered applicable to the case of over-burthened parishes adjoining to London, that your Committee are induced to express their very clear opinion of the expediency of so far following it, as to authorise the raising of some local fund for the purpose of easing the three parishes, of whose distress complaints have been made. The sum wanted, in order both to discharge a chief part of their present very oppressive debts, to relieve some of the more indigent housekeepers, now charged to the rates, and to provide, until the season of the next harvest, a fund for the support of the poor, that shall bear some proportion to the funds for that purpose, which are within the power of other parishes, will probably be between 20,000*l.* and 30,000*l.* a sum so light when levied on the whole metropolis, and so evidently called for by the necessity of the case, that your Committee trust the propriety of such a measure, as they now propose, will be generally felt. Whether this sum may best be raised by a small addition to the present poor-rates, subject possibly to some general as well as particular exemptions, or by a per-centage, calculated on certain of the assessed taxes paid by persons in the metropolis, or by any other local fund, must be a subject for the consideration of the House.

Your Committee, in the mean time, from the pressing exigency of the case, think it necessary to recommend that, with a view to the immediate ease of the parishes in question, the House should address his majesty, that he would be graciously pleased to advance for their use, out of the civil list, such sum as may be deemed necessary, assuring his majesty that the House will proceed to make good the same; and your Committee beg leave to express their opinion, that it ought to be made good out of such local fund, as shall be provided by parliament for that purpose.

Your Committee have only further to observe, that they trust the levying of a local tax through the metropolis, with the view which has been stated, will not be considered as opening the way to any invasion of that general principle of the Poor laws, by which parishes, which have sufficient means of maintaining their poor, are exclusively charged with their support; a principle which they deem highly conducive to the good management of the poor, and respecting the preservation of which, the House can scarcely be too jealous.

Your Committee conceive that the measure now proposed, being founded in the principle laid down in one of the clauses of that act from which the Poor laws of this country took their rise; and being also called for by the singular circumstances of the district which they have described, as well as by the extraordinary pressure of the present time, will form no precedent that can be pleaded, except in some case of similar emergency, and in a like period of dearness of provisions, and consequent distress.

Dec. 19. The House took into consideration the preceding Report, and came to the following Resolutions: 1. "That an humble Address be presented to his majesty, to lay before his majesty a copy of the Fifth Report made from the Committee, to whom it was referred to consider of the present high price of provisions; and humbly to desire that his majesty will be graciously pleased to advance out of the civil list such sum as his majesty may think necessary for the immediate relief of the poor in the parishes of Saint Matthew Bethnal Green, Mile End New Town, and Christ Church Spital Fields; and to assure his majesty that this House will make good the same. 2. That, for the purpose of giving temporary relief to such parishes within the Bills of Mortality, and adjacent thereunto, as may be incapable of supporting

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their own poor, it is necessary that a local fund should be raised, by some general tax or rate upon the inhabitants of the parishes within the said district, and adjacent thereunto, under such regulations, and with such exemptions, as may be thought expedient; and that such sums as his majesty may think proper to advance, in pursuance of the said Address, should be made good out of the produce of such local fund."

Supplement to the First Report of the Commons' Committee on the High Price of Provisions.] Mr. Ryder brought up the following

SUPPLEMENT TO THE FIRST REPORT FROM THE COMMITTEE APPOINTED TO CONSIDER OF THE HIGH PRICE OF PROVISIONS.

Your Committee beg leave to lay before the House, as a Supplement to their First Report, a statement of some of the various modes in which rice has been used; which afford the strongest confirmation of the opinion expressed in that Report, that the quantity of food to be derived from equal quantities of rice and wheat, is, in a very great proportion, in favour of the former. They think it necessary also to observe, that the extreme utility of this article, particularly as the food of children, renders it highly desirable that it should in no degree be applied to unnecessary consumption; and that those families which make up for the retrenchment of a certain quantity of bread and flour by the use of rice, in any thing near an equal quantity, instead of forwarding the object of his majesty's proclamation, directly counteract it.

It appears from the evidence of Mr. Bernard, treasurer of the Foundling-hospital, that the use of rice has been adopted in that charity, in a very considerable extent, ever since July 1795; and that it has been found a wholesome and nutritious food. It has been given to the children for their dinner, two days in the week, in the room of pudding made of flour and suet; 21 lbs. of rice, soaked in water over night, and baked with eighteen gallons of milk and 6 lbs. of treacle, have been found to be a sufficient meal for 170 children, and fully equivalent to their former food, consisting of 168 lbs. of flour, with 20 gallons of milk, 20 lbs. of suet, and some other ingredients. The saving to the hospital (when flour was 3½*d* per lb. or 75*s*. per sack, and rice 2½*d* per lb. or about 23*s*. per cwt.) was 5*l*. 16*s*. 1*d*. out of 7*l*. 12*s*. 10*d*. the cost of two weekly meals) or above 300*l*. per annum, being more than 35*s*. per head; and the diminution of the annual consumption of flour was above 17,000 lbs. Since the time at which this calculation was made, the price of rice has risen in a greater proportion than the price of flour; yet the amount of the greater increase upon a small quantity of rice, is so much less than that of the smaller increase upon a large quantity of flour; that the pecuniary saving to the hospital would, upon the same number of children, be much greater at the present moment than what has been above stated. The advance upon flour, from 75*s*. per sack to 120*s*. adds about 27*s*. to the cost of each weekly meal for 170 children; the advance of rice from about 23*s*. per cwt. to 46*s*. adds only 5*s*. 4½*d*. to the same. Since that time the number of children has increased to 220; and they have now also rice porridge for their breakfast three days a week; the saving in money and in flour is therefore proportionably increased.

Your Committee have submitted this minute detail to the attention of the House, for the purpose of obviating the impression, that the present dearness of rice nearly precludes all saving of expense, by the substitution of that article in the place of flour. When the great supplies, which are expected, arrive, the price must undoubtedly fall, and the advantage in that respect will increase in a very large proportion. But, at the present rates of rice and flour, it is still so considerable as to be, even in that point of view alone, an object of great importance. After an experiment, carried on to such an extent, for such a length of time, and upon such a number of children of all ages from the age of four to fourteen, without the least detriment to their health, under the care of a gentleman whose exemplary attention to the concerns of this charity entitles his evidence to the greatest credit, it cannot be doubted that the use of this article, as a part of the food of children, will be attended with the greatest advantages, by diminishing both the expense of their maintenance and the consumption of flour.

It is also stated by Mr. Bernard, that, to dress the rice to advantage, it should be boiled gently for three hours (or if in soft water for a less time) over a small fire, not larger than what cottages usually have; and that it requires no more attendance than the woman of the family can give consistently with her ordinary employments.

Mr. Bernard also informed your Committee, that rice had been used extensively and beneficially, by the directions of the bishop of Durham, in the subsistence of labourers at Durham, Bishops Auckland, and Mongewell, and various other places, according to a receipt (inserted in the Appendix), by which from 6 to 8 lbs. of food were produced from one pound of rice boiled in three quarts of water, with the addition of one ounce of hog's lard or hog's fat, and a little salt and all-spice.

Some further experiments, made by the same gentleman, on the use of rice mixed with flour in making bread, are also inserted in the Appendix; together with a letter from the Rev. Mr. Smith of Wendover, by which it appears, that when flour was 3½*d*. per lb. and rice 4*d*. per lb. bread was made of an ex-

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cellent quality, at the rate of 1s. 0½d. per quartern loaf, by mixing 2lbs. of rice with 11lbs. of flour, and preparing it in the manner there stated. The flour used in this experiment was made from foreign wheat coarsely dressed, so that 46lbs. of flour were produced from a bushel of wheat weighing 56lbs.

It has also been stated to your Committee, by Mr. George Vansittart (member for the county of Berks), that he has found, by repeated trials, that 6lbs. of flour with 1lb. of rice produced 11lbs. 8oz. of very good bread, and that such bread has been used without complaint in his family, at the reduced allowance of ten ounces per day for each person: 7lbs. of flour usually makes 8lbs. 11oz. of bread. The increase of the quantity of bread, by using rice in that proportion instead of flour, is therefore 2lbs. 13oz.; and it appears from thence, that the additional bread produced by adding 1lb. of rice to 6lbs. of flour, is above three times greater than what would have been produced by adding 1lb. of flour to the same quantity.

Your Committee have also inserted in their Appendix, two receipts, communicated by Mr. Hugh Inglis, Chairman of the East-India Company; by which it appears that rice may be used with great advantage when boiled with beef dripping or salted mutton.

The result of a great many experiments upon a mixture of rice and Scotch barley boiled together, and sweatened with sugar, is detailed in a letter from Mr. Parish to the magistrates of Montrose, which was transmitted to your Committee by Mr. David Scott (an extract of which is inserted in the Appendix). It appears from this letter, that the use of this species of porridge, as a substitute for porridge made of oatmeal, has been carried to a considerable extent; and that the addition to the quantity of food, as well as the diminution of expense, prove it to be one of the most advantageous methods of preparing rice.

Sixth Report of the Commons' Committee on the High Price of Provisions.] Mr. Ryder also presented the following Report:

SIXTH REPORT FROM THE COMMITTEE APPOINTED TO CONSIDER OF THE HIGH PRICE OF PROVISIONS.

Your Committee have proceeded further in the matters to them referred; and have agreed upon the following Report:

Your Committee have stated, in their First Report, the reasons which induced them to direct their attention, in the first instance, to such measures as appeared best calculated to alleviate the present pressure, and as were capable of being carried into execution during the existence of this parliament, have submitted to the wisdom of the House, in that and in their subsequent Reports, such suggestions as have appeared to them to fall within that description. They have been anxious to discharge with diligence the task which was imposed upon them, and have continued their sittings without intermission from day to day, from the period of their appointment to the present moment, when their proceedings are interrupted by the necessary termination of this session, in consequence of the Union with Ireland. Notwithstanding their best exertions, so much time has been unavoidably occupied by the consideration and discussion of matters connected with the different measures above alluded to, which appeared to your Committee, in every point of view, the most important as well as the most urgent, that they have found it impossible to enter, so fully as they could wish, upon other parts of the extensive and complicated subject which the House has thought proper to refer to them.

The manner in which the commerce of grain is carried on, has however engaged no small proportion of their attention; but even upon this branch of the subject, the information which they have hitherto obtained, is far from being sufficient to enable your Committee to lay before the House any correct statement of facts, much less any well considered opinion resulting from them. To form such an opinion, requires the attentive consideration of a great body of existing laws, and a minute acquaintance with an extensive system of trade, together with all the variations which have taken place, either by the authority of the legislature, or by changes of practice arising from an alteration in the habits of the people, or from the growth of commerce, and the increase of wealth. The subject also is of a nature which requires peculiar caution, from the danger which might attend an erroneous judgment, misled on the one hand by popular prejudice, or on the other by plausible theories, formed without sufficient examination of facts.

Your Committee have also considered, that the interval will be very short between the conclusion of the present session and the meeting of the parliament of the United Kingdom, when the inquiry into this, and other parts of the subject may, and (as they humbly conceive) ought to be immediately resumed. They think it therefore more consistent with their duty, to leave whatever information they have collected as the groundwork of future and more complete investigation, rather than to hazard any hasty suggestions or statements upon a matter of so much delicacy and difficulty; and they are persuaded that the delay which may be thus occasioned, will be amply compensated by more mature discussion, and a more deliberate decision.

Your Committee, upon reviewing the different measures which have been adopted during the present session, have thought that it might be satisfactory to the House, if, before they conclude, they were to take some

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general view of the probable amount of the supply or saving which may be obtained from the various sources which they have pointed out, compared with the deficiency of the crop of wheat. It is unnecessary to observe, that such a statement must be in many respects conjectural, and deficient in precision; but it may perhaps furnish a general estimate, capable in some degree of guiding the expectations and of relieving the anxiety of the public.

The quantity of wheat consumed in an ordinary year cannot be ascertained with any accuracy; but your Committee conceive, that, after allowing for the proportion of the population commonly subsisting upon other grain, the usual consumption of wheat cannot be supposed to exceed 7,000,000 quarters per annum. Upon an average of ten years, including the very deficient harvests of 1795 and 1799, about 125,000 quarters of this quantity have been furnished by importation from foreign parts. The produce of an average crop may therefore have amounted to about 6,700,000 quarters; and the produce of the late harvest would, upon this supposition, have been about 5,000,000 quarters. The deficiency to be covered in order to ensure the supply of the country for twelve months, from the 1st of October 1800 to the 1st of October 1801, may be about 2,000,000 quarters; of which, according to the average importation above stated, about 300,000 quarters might be expected to be drawn from abroad. It is also to be observed, that, in this mode of stating the account, whatever part of the last harvest may have been consumed before the beginning of October, is supposed to be compensated by the proportion of the next harvest which may come into use before the corresponding period of the ensuing year, and that the estimate is formed upon the consumption of twelve months only.

A considerable proportion of the grain imported some time previous to the 1st of October, must undoubtedly have contributed to the subsistence of the country since that period; but, in the point of view in which your Committee have considered the subject, credit is taken only for the subsequent importation. The accounts are complete to the 20th of December; but adding thereto what has been since received in London and Hull, up to the 31st of December inclusive, the amount of the wheat imported, exclusive of flour, is near 170,000 quarters, besides 60,000 quarters of barley, and 126,000 quarters of oats, 4,400 cwt. of rice, and between 14 and 15,000 quarters of other grain and pulse.

Setting aside, for the present, the consideration of the further supply of grain which may be received from Europe, the first object to which your committee will advert is, the importation from the United States of America. There is a peculiar advantage attending the supply from this quarter, that some part of it may be expected to arrive during the next month, and will continue during that period of the year when the importation from Europe is usually interrupted by the frost. According to the latest information, the crop in the United States has been uncommonly productive, and has been nearly free from the ravages occasioned in former years by the Hessian fly. The greatest quantity ever exported from that country (except in 1793, when it is said to have amounted to near 1,500,000 barrels) is stated to be between 1,200,000 and 1,300,000 barrels of flour, each weighing 196 lbs. and considered as equal to about five bushels of wheat. This exportation took place during the time when that insect continued to do considerable mischief: it may therefore reasonably be expected that the surplus of American produce may now be greater than it was at that period; and that the high price of flour in England, together with the encouragement held out by parliament, may bring to this country much the greatest proportion of that surplus. Supposing, however, the surplus to be no greater than the quantity before stated, and that only three-fourths of it should be sent to the British market, the supply derived from this quarter would be about 940,000 barrels, which, according to the usual estimate, is equal to about 580,000 quarters. The harvest in Canada is stated to have been abundant, and an importation may be expected from that country, amounting at least to 30,000 quarters.

In addition to this supply of wheat and flour, a considerable quantity of rice may be drawn from different parts of the world. From the Southern States of North America, your Committee are informed that a supply may be obtained of 70,000 barrels (each weighing 5 cwt.) of which a part will probably arrive in January, and the remainder successively in the ensuing months. From India a much larger quantity may ultimately be expected; but, as little, if any, of what may be obtained from thence by the means of ships which have sailed from this country, can arrive before the beginning of October 1801, your Committee have confined their estimate, in this view of the subject, to that part which may be sent from India in country or neutral ships, in consequence of orders dispatched from hence in September last: this has been stated at from 7,000 to 10,000 tons (equal to from 28,000 to 40,000 barrels of 5 cwt. each). The latter quantity is represented as the most probable of the two; and if sufficient shipping should be disengaged in India, it may arise to a much greater amount. It seems, therefore, not unreasonable to expect from that quarter, in the months of August and September, about 35,000 barrels; which, added to the importation from America, will amount to 105,000 barrels. Each barrel may be considered as more than equal, in point of weight, to the flour of all descriptions extracted from 12 bushels of wheat, but in point of nutriment

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to a much larger quantity. On this subject your Committee have already submitted to the House the result of various experiments. From the experience of five years, at the Foundling Hospital, it appears, that when applied to the food of children in the manner in which it has been there prepared, one pound of rice will go as far as eight pounds of flour. Many other instances have been stated to your committee, where this article has been extensively used, and where the increase has been nearly in as large a proportion; and even when mixed with flour, in making bread, the produce of rice appears to be more than three times the produce of an equal quantity of flour. Your Committee therefore think themselves fully justified in stating, that the quantity of rice above mentioned will (by adopting proper modes of preparation, which are now very generally known and practised), afford more food, especially for children of all ages, than four times the same quantity of wheat; and may therefore be considered as fully equivalent to a supply of 630,000 quarters of wheat.

The importation of Indian corn has also been encouraged by the prospect of a liberal bounty. The excellence of that grain, as the food of man, cannot be doubted, as it forms the chief subsistence of the southern part of the United States of America. The use of it here has, however, been hitherto so little known, that it is difficult to estimate either what quantity may be expected, or in what proportion it may be introduced into the consumption of this country; but, as it is also applicable, with the greatest advantage, to the food of cattle, hogs, and poultry, it cannot fail to operate, either directly or indirectly, as a valuable addition to the general stock of grain.

The quantity of wheat which will be saved for food by the prohibition of the manufacture of starch from that grain, will be about 40,000 quarters.

In consequence of the stoppage of the distilleries, at least 500,000 quarters of barley, which would have been consumed in that manufacture, will remain applicable to the subsistence of the people; but as it may be supposed that eleven bushels of barley are not more than equivalent to one quarter of wheat, this can only be stated at about 360,000 quarters.

Having stated to the House the best estimate they have been able to form, of the direct supply which may be derived from the sources to which they have here adverted (of which the supply from past importation, and from the stoppage of the manufactures of spirits and starch, may be considered as actually realized), your Committee will proceed to take some view of that important and extensive resource which may be furnished by the most economical use and application of the produce of the country.

The saving to be derived from the introduction of a larger proportion of the produce of grain into bread than is at present used, was stated by your Committee, in a former report, as equal to an addition of 450,000 quarters. This was calculated upon a consumption of nine months in that part of the country which at present consumes either bread made of the fine flour, or of the remaining produce of the grain after the fine flour has been extracted. As this measure will not take full effect till the beginning of February, the saving must now be calculated upon eight months only. Your Committee have not thought the experiments, which it was possible in so short a time to make upon that subject, sufficiently exact to justify an alteration in the table of assize, and were desirous, for obvious reasons, to afford, in the first instance, an encouragement to the bakers, at least equal, if not superior to the profit they could make in manufacturing bread from fine flour: yet they see no reason for departing from their former opinion, that a larger quantity of bread will be produced from coarse meal than from fine flour; and they have therefore continued to estimate the saving upon that principle. By this mode of dressing, a larger quantity of materials for bread will be produced from all other species of grain as well as wheat; and it is also probable, that in many parts of the country where the wheat has been of good quality and well harvested, the whole meal, including the bran, will be made into bread. Your Committee will not, however, attempt to estimate the additional saving which may be produced by these circumstances, and will only state the increased supply of food which may be derived from the adoption of the measure above referred to, as equal to about 400,000 quarters.

It is still more difficult to estimate the advantages to be expected from the economy introduced into the consumption of private families, in consequence of the high price of grain, and of his majesty's proclamation. Your Committee have seen with satisfaction, the zeal and activity with which the execution of the salutary system therein recommended, appears to have been undertaken by various classes of the community. Even if the operation of this measure should extend only to persons in some degree of affluence, the diminished consumption of their families could not fail to produce considerable effect. Supposing this reduction to take place only in 120,000 families, containing ten persons in each family, and supposing that each person consumed in ordinary times the large allowance of a quarter of wheat annually, the saving, by the reduction of one-third of their consumption (which has been practised with the greatest facility by families where other food is used), would, in nine months, amount to 300,000 quarters.

The prohibition of the use of new bread, which parliament has thought proper to

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enforce by additional regulations, must also be productive of some further economy. Although it cannot be expected to make any difference in the consumption of those families whose means of obtaining other food may enable them to stint their allowance of bread; yet, amongst those numerous classes of the community, whose principal subsistence is derived from this article, and who can therefore make no direct retrenchment, its effects must still be considerable.

The saving to be expected in the consumption of oats, is equally conjectural; but it may reasonably be hoped, that the same motives which will induce his majesty's subjects to restrict the consumption of wheat in their families, will operate still more forcibly in reducing the expenditure of oats for the subsistence of horses; and that no small quantity of this species of grain will in consequence be applicable to more useful purposes. It has been further stated to your Committee, that, by bruising oats, a greater quantity of food for horses, in the proportion of at least 4 to 3, may be produced from a given quantity of grain. By this, and by other economical expedients, such as mixing oats with chaff and bran, beans, or chopped straw, the consumption of that article may be much diminished.

It should be further observed, that the crop of barley this year has been upon the whole good, and that more of it than usual may, from the excellence of its quality, be applicable to bread; some proportion of that grain may therefore probably be transferred to the use of those parts of the kingdom which usually subsisted upon wheat alone, but which have of late returned to the consumption of barley. Your Committee have no means of estimating the extent to which this resource may be carried; but it must evidently afford, in addition to the quantity above stated, some further assistance towards supplying the deficiency of wheat.

Your Committee have, in their former reports, directed the attention of the House to the great supply of excellent food which may be derived from the fisheries, and may render practicable a still further saving in the consumption of grain, as well as of other articles of subsistence: every encouragement which has been suggested by those best acquainted with the subject, has been granted by the liberality of parliament, and the most beneficial effects may be expected from the exertions which that encouragement is likely to excite. From the eagerness with which the small supply of herrings which has hitherto reached the metropolis has been sought after, and from the number of orders which have been received from different parts of the country, your Committee entertain no doubt, that, as soon as that supply can be increased in quantity, and more widely diffused, this species of food will be rapidly introduced into general consumption.

In order to accelerate and facilitate this supply, advances have been made by government to persons at the different ports of depôt, such as Liverpool, Bristol, Hull, Lynn, Southampton, and Exeter, in addition to the amount of private subscriptions at these places; and directions have been given to the respective collectors of the customs to attend to such applications, as they may receive from other places, which may be desirous of procuring consignments of fish.

The extent and importance of the herring fishery has been already fully detailed to the House; and there seems no reason to doubt that it will answer, in a very considerable degree, the expectations which were formed of it.

The fisheries of mackarel and pilchards, which follow in succession, appear capable of almost equal extension; and the cod and haddock fisheries, which continue during the greatest part of the year, may also furnish an additional supply of food, to an extent which cannot be calculated, and (since the use of salt duty free has been permitted) at a price not exceeding even in London for some articles one penny, and for others two-pence per pound.

The price of such fish is not only so much lower than that of meat, as to recommend it as an useful substitute for that article; but as three or even five pounds of this wholesome and nutritious food can be afforded at a less rate than one pound of bread at its present price, it can hardly fail to meet with an extensive demand, wherever it can be obtained in sufficient quantity; and it will both cheapen and improve the subsistence of those classes of the community, who, from finding the whole of their earnings not more than adequate to procure the necessary supply of bread, have been reduced to subsist upon that article alone.

Your Committee are sensible, that even if any calculation could be formed of the amount of this resource, it would not be easy to ascertain the proportion which it might be supposed to bear to any given quantity of grain. But, whether it is introduced into consumption as a substitute for vegetable or animal food, it is equally an addition of the utmost importance to the means of subsistence.

Your Committee have omitted to take notice of the act passed for diminishing the consumption of bread, and for making better provision for the poor; because, whatever benefits may result from that measure, the diminution which it may occasion in the use of bread, chiefly depends upon the introduction (as substitutes) of other articles for most of which credit has been already taken.

The amount of those resources to which your Committee have adverted, which appeared in any degree capable of estimate (subject to the observation with which they were at first introduced as being in many

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points conjectural, and necessarily deficient in precision), would stand as follows:

	Quarters.
Importation of Wheat since the beginning of October ..... above	170,000
Importation of Flour from the United States ..... equal to	580,000
Importation of Wheat from Canada	30,000
Rice ..... equivalent to	630,000
Stoppage of Starch Manufactory..	40,000
Stoppage of Distilleries	360,000
Use of Coarse Meal	400,000
Retrenchment	300,000
	2,510,000

In this enumeration no credit is taken for any quantity of barley which may be imported, exceeding the usual importation of 50,000 quarters (although more than 60,000 quarters are already arrived); for such proportion of the crop of barley as may be transferred to the use of the consumers of wheat; for any importation of Indian corn; for any retrenchment in the article of oats; for the reduction of consumption by the use of stale bread; nor, for the great supplies to be expected from the fisheries.

It will also be observed, that your Committee have taken no credit, in the preceding statement, for any further importation of wheat from the continent of Europe. They see, however, no ground for departing from the opinion expressed in their first report, that, as far as depends upon the exertions of individual merchants, both British and foreign, the supply of wheat to be drawn from thence may equal that of last year, and that the crops of barley and oats may furnish more than they did during that period; and the quantity already imported affords a strong confirmation of this opinion. What circumstances, of a different nature, may interfere with the effect of those exertions, it is not within the province of your Committee to consider: but, supposing the supply from those quarters to be, from any causes, diminished or suspended, or even (which seems under any circumstances impossible) completely stopped; yet your Committee have the satisfaction of being persuaded, that the resources enumerated in the preceding statement are adequate, upon a moderate calculation, to furnish a sufficient supply for that period to which your Committee has considered them as applicable, and to relieve by their gradual operation the present exigency. Whatever may be drawn from the continent of Europe is an addition to those resources, certainly important, but by no means of absolute necessity, and, together with the great quantity of rice which may be expected from the East-Indies subsequent to the next harvest, may be considered as supplying not our immediate wants, but that diminution of the ordinary stock of the country which took place previous to the harvest of 1800, in consequence of the great deficiency of the preceding year; a diminution, which is one of the main causes of the present insufficient supply and high prices, and which must retard, in its consequences (whatever may be the abundance of the next harvest), the return of cheapness and of plenty.

Your Committee think it however highly important to observe, that although the resources above mentioned, if fully brought forward, appear adequate to produce the effects which they look to with hope and expectation; yet a large proportion of them depends upon the voluntary exertions of the people, and they can be rendered effectual for general relief, only by uninterrupted circulation and unchecked activity of commerce, and by the zeal and energy which may be employed, by different classes of the community, in promoting, according to their respective means, an object of such general concern.

Proceedings in the Lords relative to the Dearth of Provisions.] Nov. 14. On the motion of lord Grenville, so much of his Majesty's Speech as relates to the Dearth of Provisions, was referred to a Select Committee. After the Committee had been appointed,

Lord *Holland* said, that the present was a subject in which the people were naturally led to expect more from the legislature than it could possibly effect. All that the committee could do would be, to afford as much information as was possible upon the subject; to suggest practicable remedies, and, above all, to remove all unjust prejudices which might obtain. He felt it most imperiously his duty, in the consideration of a subject that involved little less than a question of impending famine, not to suffer himself to be biassed by his rooted opinions against the war; and it was equally the duty of every member not to deceive the people on so momentous an occasion. Having premised this, he should advert to the calculations and statements which, with an air of confidence, were brought forward on a former night to prove, that the question of scarcity was not affected by the war. He had since perused the publication from which these calculations were principally drawn; he alluded to the pamphlet of Mr. Brand, which was certainly an ingenious, but not a very candid compilation. The fact, admitting it to be so, that the average prices in war were lower than those in times of peace, warranted no conclusion that scarcity might not arise from war. The natural tendency of war was, to produce scarcity and consequent high prices.

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The Earl of *Warwick* conceived it to be his duty to state to the House such facts as had fallen under his own observation. On his own lands, and throughout the whole of his neighbourhood, the late harvest was remarkably abundant; and the farmers were making 200 per cent profit. He was aware of the right which every man had in the disposal of his property, as well as in the protection of that property which he was entitled to from parliament; but he never could think, that it was the duty of parliament to protect men in their exorbitant profits; particularly when they were productive of so much injury to the rest of the community. Men employed as labourers, and particularly as labourers in agriculture, had a right to receive as much wages as would maintain themselves and families; but, so far from this being the case in his neighbourhood, they received no more than eight or nine shillings a week from the farmers; a sum so insufficient for their support, that their families were actually starving; and yet these farmers were gaining twice as much as they were, by their own acknowledgments, entitled to. Those who demanded upwards of 20*s.* a bushel for their corn, candidly owned that they would be contented with ten, provided other farmers would bring down their prices to that standard. Was it not, then, the duty of parliament to take some steps to save thousands, perhaps millions, from absolute want? If he might venture to give his opinion on so delicate and important a subject, he should certainly propose an exception to the general rule of protecting men in the absolute disposal of their property. In short, he would recommend the adoption of a *maximum*, by which no wheat should be sold at a higher price than 10*s.* per bushel. Although, under any other circumstances, he should be hostile to a measure of this kind, yet, situated as the country was at present, he conceived it absolutely necessary.

Lord *Grenville* agreed, that whatever measures were to be adopted, ought to be as speedy and as decisive as possible; but those who expected that parliament could do much more than encourage an extensive importation of corn, were much deceived. Was it possible for parliament, all at once, and by the force of magic, to introduce plenty instead of scarcity? Was it possible for parliament to invert the order of nature, and prevent inclement seasons? The noble earl had made use of the most unfortunate expression ever uttered in that House, an expression against which he would directly enter his protest. He should never hear the word *maximum* mentioned, in the sense it was used that day, without expressing the strong disapprobation he must feel at hearing a measure recommended, which, of all others, would have the most injurious tendency, and which was the most likely of all others, to defeat its own object. In every country where it had been adopted, it was found productive of the most dreadful mischief. A neighbouring country, in one of its most desperate situations, and in the midst of public difficulty and distress, had some years ago adopted a regulation of this kind. It was conceived and carried on in violence; but even in that distracted country its effects were found to be so dreadful, that the measure was soon laid aside. He therefore deprecated even the mention of an evil, which, if attempted to be put in practice, must produce immediate famine.

Nov. 17. The Earl of *Warwick* said, he rose to offer a few words in his own defence. The other evening he had made use of an unfortunate expression, which he was extremely sorry to have dropped; because, from the impression it had made on the House, it appeared too bad to be listened to for a moment. He must, however, take the liberty of saying a few words in justification of the principle on which he had grounded his argument. He should still contend, that the gains of the farmer were enormous, and must repeat his wish, that some measure might be adopted to compel him to bring his corn to market, and to be contented with a moderate profit. He wondered not at the extravagant style of living of some of the farmers, who could afford to play guinea whist, and were not contented with drinking wine only, but even mixed brandy with it: on farms from which they derived so much profit, they could afford to leave one-third of the lands they rented wholly uncultivated, the other two-thirds yielding them sufficient gain to support all their lavish expenditure. In short, he knew no description of men who were acquiring fortunes more rapidly than the farmers, and all at the expense of the public. What with the taxes and the high price of provisions, money was changing hands daily, and men of landed

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estates were obliged to part with more or less of their property every year. With regard to the existence of a scarcity, it was not in the power of any man living to ascertain the fact. He believed there was corn enough in the country to meet its wants, if means were taken to compel the corn-growers to bring it to market, and dispose of it at a reasonable profit.

The *Lord Chancellor* reprobated the idea of resorting to the principle of a *maximum*: it was dangerous in the extreme to hold forth such doctrines, or to inculcate that the smallest relief was to be expected from their application. He entreated the House to consider the proposition: it would operate by means purely compulsory: it would oblige a numerous class of men to give up their property at a given price. Not only the final operation of such a terrible law as that alluded to would be compulsory; but, from its very principle, every circumstance connected with it must be coercive. How was it to be carried into effect?—by means of an inquisition in the first instance. Stock must be taken, and that very species of property upon which the farmer, his family, and labourers principally subsisted, was to be rendered liable to the most grievous operations. In no history, ancient or modern, was there an instance to be found where such a measure was beneficial; on the contrary, its baleful effects were every where recited. In France, the experiment, under one of its direst tyrannies, had been tried; and what was the consequence?—the then scarcity was speedily converted into famine; one of its first and natural effects was, to induce the farmers to hold back their corn. The next step taken by the persons exercising the government, was, to put the corn into a state of requisition. The system of starvation then commenced, and the farmers and growers of corn were the first victims of it. He felt it his duty to caution the House of the danger of entertaining, even for a moment, such destructive principles—the mere allusion to which must have the reverse to a beneficial tendency.

First Report from the Lords' Committees on the Dearth of Provisions.] Nov. 28. Earl Camden presented the following Report:

FIRST REPORT FROM THE LORDS' COMMITTEES ON THE DEARTH OF PROVISIONS.

The Lords' Committees, to whom it was referred to consider so much of his Majesty's Speech at the opening of the present Sessions as relates to the high price of provisions, and to whom has since been referred the consideration of a message from the House of Commons relative to the same subject:—

Have agreed to report to the House, that, since their appointment, they have proceeded, with all possible diligence, to inquire into such particulars as they judged might be most worthy of the attention and consideration of the House with respect to the matter referred to them.

They have more particularly applied themselves to ascertain the actual state of the kingdom, in respect to the productiveness of the late harvest, and to the stock of grain which may be supposed to be now in hand; which inquiry they have pursued by the examination of persons best acquainted with the situation of different parts of the country in this respect; being satisfied that any attempt at more minute investigation, or actual survey, would be inconvenient in practice, and probably in result very little satisfactory.

As this course of inquiry is as yet by no means completed, the Lords' Committees do not think it right for them to offer to the House any precise opinion as to the probable amount of the deficiency, grounded on such information as they have hitherto received.

But the Lords' Committees do by no means think it adviseable to delay any measures of immediate relief, for the purpose of previously completing the inquiry in which they are engaged.

Whatever judgment may ultimately be formed respecting the amount of the deficiency of the last harvest, it is certain that the stock of old grain was almost entirely exhausted at the beginning of the autumn, and that the produce of the present year was therefore begun to be consumed almost as soon as it was harvested, and at least two or three months earlier than is usual.

This view of the subject has therefore already sufficiently convinced the Committee of the pressing necessity, both of giving due encouragement to early importation, and of adopting all practicable economy in the consumption of grain during the present year; and have unanimously agreed to recommend to this House, that, in addition to the bills which have already passed, or are now in the course of passing through the House, for restraining the export and encouraging the import of the different sorts of grain, and for preventing their being applied to other purposes than those of food, this House should also concur with the other House in their proposed address to his majesty.

The Lords' Committees trust, that the proclamation, which his majesty is there requested to issue, may probably engage the serious attention of the various classes of their fellow-subjects to this most important

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object, and may induce them to adopt such detailed regulations respecting the consumption in their families in the different sorts of grain, and other articles of provisions, as may not merely produce a general resolution to economize as much as possible in those articles, but may also ensure the full execution of this laudable disposition, by such particular measures as may be most practicable for that purpose in the different districts of the kingdom.

With this view the Lords' Committees think it right here to add, that as the use of pure wheaten bread, and of other articles made of pure wheaten flour, ought in their judgment to be wholly discontinued by all persons, whose means and circumstances enable them to have recourse to other articles of subsistence; it appears to them extremely desirable, that every practicable encouragement should be given by parliament if necessary, and by the magistrates in the different districts of the country under the now existing laws, to the grinding wheaten flour mixed (in such proportions as may be found most advantageous) with barley, oats, pease, or rye; and although it is the intention of the Committee to pursue a more detailed inquiry into the whole of this part of the subject, they are induced to mention this point more particularly in the present instance, from their having been informed, that as misapprehension has prevailed in some parts of the kingdom respecting the present state of the laws on this subject, and that it has not been universally understood by the millers and other persons engaged in these concerns, that the grinding mixed flour, compounded of any or all the different articles above enumerated, is not only legal where the article is openly sold as being so mixed, but is highly commendable in those who, at the present period, endeavour to introduce such mixtures into more general consumption.

Further Proceedings in the Lords relative to the Dearth of Provisions.] Dec. 5. The Earl of *Warwick* rose, to make his promised motion. He said, he had all due respect for the opinions stated by the committees of both Houses of parliament, but he must at the same time observe, that many of the witnesses examined by them were persons interested. The learned lord on the wool-sack, had, on a former evening, stated an objection to what he proposed, that by the laws of England all property was secure. He admitted that to be a maxim which could not be lost sight of in any government. But he must observe at the same time, that the laws of England did not protect property acquired by fraudulent and nefarious means; they did not protect the acquisition of the highwayman; and he defied any one to show upon the statute-books the recognition of any such profession as that of corn-factor. The law spoke of persons employed in agriculture as labourers or farmers; but the name of corn-factor was not to be met with. At the same time, he did not deny the utility of middle men to transport grain from one part of the kingdom to the other, in such proportion as it might be wanted; but he was fully of opinion that they should be licensed, and be obliged to deal only on commission, and not on their own account. He appealed to the reverend bench, whether there was any passage in holy writ, which recognized or sanctioned the business of a corn-factor; on the contrary, Providence gave the productions of the earth for the use of its inhabitants; the grower and consumer had a joint property in the produce of the field; and it was never intended, that ten or twenty men, sitting together, should be enabled to buy up the greatest part of the grain necessary for the subsistence of the people, and regulate the price of provisions as best suited their own interest. The committees of both Houses had gone a wrong way to work, when they estimated the deficiency of the last harvest at a fourth of the average crop; for he denied that they had any means of knowing what that average was. But, supposing that estimate to be correct, yet it was notorious that the mixture of pease, beans, and other pulse, now sold to the public as wheaten bread, was more than sufficient to make up for the deficiency. With respect to that maximum which seemed to meet with the reprobation of a learned lord, he had already answered the argument drawn from the necessity of securing property; for he held, that no property should be secured, which had been illegally and nefariously acquired. His ideas on this subject were very different from that French maximum so justly reprobated. The French maximum went to all kinds of articles for the sustenance of man, which were to be paid for in paper of no value, and therefore struck at the very root of property. His suggestion, on the contrary, went to secure the farmer a fair and liberal profit, at the same time that it would secure the public from those impositions, which he believed to be the source of all the present distresses of the country. What he proposed was, that the magistrates in the different counties should, for a time to be limited, have the

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power of fixing, after hearing the necessary evidence, a price upon corn, and upon agricultural labour. Much stress had been laid upon the opinions delivered on this important subject by Dr. Adam Smith. He was acquainted with that excellent man; and he was convinced that, were that great philosopher now to rise from his grave, he would be ashamed to find his authority quoted in support of practices which were unknown in his day. He did not complain of the opinions of others, whose information was derived from sources very different from his. He had full demonstration, that there was little other scarcity than what had arisen from factitious means. Within these few months, there had been no less than 400 convictions for forestalling, regrating, and monopolizing. Let the House advert for a moment to what was the effect of this. At the time that a man of the name of Rusby was convicted, oats were so high as 52*s.* the quarter; but such was the impression made by that verdict, that the price fell from day to day, till it came down to 17*s.* 6*d.* It had, no doubt, risen since; but there was reason to suppose the rise was occasioned by the impression made by that verdict having worn off in a considerable degree. The noble earl then moved, "That from the 10th of this instant December, to the 10th of June, 1801, the magistrates of every county of the kingdom shall be authorized, upon such evidence as may be given before them, to affix a certain determinate price, not only on corn, but upon agricultural labour."

Lord *Grenville* said, his noble friend must be aware, that this subject had already been twice discussed in that House, when it was almost unanimously condemned; and he did not think it any great proof of his noble friend's discretion to bring it forward again in the shape of a motion, which, if refused, would be likely to do considerable mischief. After what he had said on a former day, and knowing (as he did), the general sentiments of every person with whom he had had any communication on the subject of a maximum, he would not trouble the House with any other argument upon it. Every man belonging to his majesty's councils had turned the subject in his mind long before the meeting of parliament; and the result of their deliberation was, that if a maximum should ever be adopted, it would have the effect of instantly plunging the people into all the miseries of famine; and of aggravating tenfold the distresses they now laboured under.

The motion was negatived.

Second Report from the Lords' Committees on the Dearth of Provisions.] Dec. 15. Earl Camden presented the following Report:—

SECOND REPORT FROM THE LORDS' COMMITTEES ON THE DEARTH OF PROVISIONS:

Ordered to report, That the Lords' Committees have, since their first report to your lordships, proceeded with all the diligence in their power to investigate the several matters referred to them by the House. They have thought, in an inquiry so interesting and important as that which was referred to them, that it became them to endeavour to inform themselves upon the subjects connected with it, both extensively and in detail; and although they have hitherto principally confined their inquiries to the actual state of the harvest of this year, the stock of old corn in hand, the probability of importation, and the means of procuring substitutes, as well as of introducing them into more general use, they have also endeavoured to inform themselves upon other matters connected with a still more extensive view of this most important subject.

PART FIRST. *Deficiency of Crop, &c.*—The Lords' Committees think it their duty to call the attention of the House, in the first place, to the actual state of the late harvest. The report of the Committee of the House of Commons, referred to them by this House, and the various papers and documents which have been laid before them, contained much important information on this part of the subject; but the Lords' Committees were farther desirous of ascertaining still more particularly the correctness of those statements. They have, therefore, endeavoured to procure from respectable and well-informed persons in different counties of this kingdom (where it was possible for them, within a reasonable time, to attend the committee), the most exact reports upon the subjects above alluded to; and where it has been impossible to obtain this information by personal attendance (particularly in the case of some parts both of Scotland and of Wales, and the more remote districts of England), they have received, from those best capable of affording it, the most detailed and precise communications in writing; which deviation from the usual practice of this House and its committees, they trust your lordships (under the particular circumstances of the case) will not disapprove.

The Lords' Committees endeavoured, first, to inform themselves of the amount of an average crop in ordinary years throughout the kingdom, in the different sorts of grain; they

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then proceeded to inquire respecting the actual crop of the last harvest, as compared with an average crop, and also respecting the stock of old corn in hand at the beginning of harvest, as compared with the usual stock; and likewise as to the result of such experiments as have been made with respect to the yield of flour from grain, and of grain from straw, since the last harvest. The result for each county of the actual information so received has been, under their direction, reduced into tables, and is subjoined to this report in the Appendix (No. I.). It may be material to observe, that the variations which will frequently be found in the accounts from the same county, are to be explained by the following circumstance:—That the persons from whom the information is derived, often speak to different districts of the same county, which differ much from each other both in soil and produce.

The reports which have been laid before your Committee from the receivers-general of the land-tax, from officers employed under the boards of taxes, stamps, and excise, together with the returns which have been received in consequence of the circular letters of the bishops of the different dioceses to their clergy, appear fully to justify the conclusion stated in the report of the committee of the House of Commons, that the crop of wheat of the last year was deficient by one-fourth of the average produce.

It is difficult to state, with precision, any average deficiency for the whole kingdom, as collected from those local informations, as to particular districts, which have been furnished by the persons who have been summoned to attend. Your Lordships' Committee, on the fullest consideration of the subject, are confident, that the deficiency of the wheat of the last harvest amounted to, at least, one-fourth; and the committee are inclined to believe, that it may have been greater, as it has been almost universally stated to them, that although the yield of the flour from grain, harvested before the rains, has been, for the most part, abundant; yet, that great quantities of corn were damaged by the rains, and, in consequence thereof, furnished a deficient return of flour; and that, on the other hand, the yield of grain from straw has been generally deficient. They have the satisfaction, however, of being able to inform your lordships, that the crops of barley may, upon the whole, be considered as approaching nearer to an average crop—and the crop of oats as equal, on the whole, to an average; but it is necessary to state, that in many parts of the kingdom these crops have also been much damaged by the rains; although in others they have been well harvested, and the flour from the barley of the present year so harvested, is stated to be of the finest quality ever remembered.

The committee have likewise the satisfaction to add, that the crops of peas are in general good, and also those of potatoes, although inferior in produce by the acre to the crops of former years; and although the quality of that root is less nutritious, from its having sprouted in consequence of the rain succeeding the hot weather, yet, from the additional number of acres planted, the Lords' Committees think themselves justified in stating the whole quantity produced not to be much less than the usual average; but they think it necessary to subjoin, that it has been found, from the above cause, that the potatoes of this year are more liable than usual to spoil in the keeping.

The committee think it proper to make some observations relating to Scotland in particular, and are happy to observe, the grain which is principally deficient in England, is not that which is most necessary for the support of the labouring classes in Scotland. The result of the information received represents the western side (for every part of Scotland, from its narrowness, speaking generally, may be considered as belonging to the eastern or western division of the island) as having had nearly an average crop of all sorts of grain; but the eastern side, from England to Edinburgh, has not produced more than two-thirds of the ordinary quantity of wheat, or more than three-fourths of oats and barley. From Edinburgh to Caithness inclusive, notwithstanding the productiveness of that country this season, the committee cannot estimate the crops of wheat, oats, and barley, at more than two-thirds of a usual produce, though the last-mentioned grain must be understood as rather more productive than oats north from Dundee. The committee, in summing up what they think it necessary to state concerning Scotland, are sorry to observe, that, taking the whole of the country, the crops of hay and straw must be considered as greatly defective.

The Lords' Committees have been informed, with scarcely an exception, that the stock of old corn was very nearly exhausted at the period of the late harvest, and, instead of the usual stock in the possession of the farmers, millers, and bakers at the time, which is almost universally stated to be from two to three months consumption, and even sometimes more, they have been invariably informed, that the stock of this year was not in any place more than the consumption of about three weeks, and that many parts of the kingdom were at that period wholly supplied with foreign grain.

Importation.—The Lords' Committees think it right to observe, that the importation of the last year was the most considerable which has ever taken place; and as this part of the subject is extremely important for the consideration of parliament, particularly with a view to such general and permanent measures as may be necessary to be adopted, in order to prevent, as far as possible, the recurrence of the present difficulties, the Lords' Commit-

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tees have thought it their duty to state more particularly the result of the accounts which your lordships have referred to them: from these it appears, that the quantity of corn imported in preceding years, and in the last year, was as follows:—

Wheat and Wheat Flour.—From 1697 to 1766, both inclusive (a period of 70 years), the annual excess of export, on the average, from England and Scotland, amounted to 210,231 quarters. In 1767 there began to be an excess of import, amounting (on an average for 18 years, from 1767 to 1784, both inclusive,) to 91,825 quarters per annum. From 1785 to 1789, both inclusive (on an average of five years), the excess of export amounted to 198,641 quarters per annum. Since that period (with the exception of the year 1792, when there was an excess of export amounting to 278,019 quarters), there had uniformly been an excess of import, which, on an average of five years, from 1790 to 1794, both inclusive, amounted to 182,021 quarters per annum. From 1795 to 1799 (on average of ditto) to 469,966 quarters per annum. And for 12 months, from 26th September, 1799, to 27th September, 1800, there have been imported, into England, 1,032,121 quarters; into Scotland, 114,615 quarters.

Barley.—The excess of export for seventy years, from 1697 to 1766 (both inclusive), amounted on an average to 252,031 quarters per annum. During eight years, from 1767 to 1774 (both inclusive), the excess of import amounted, on an average of those years, to 5,584 quarters per annum. There was an excess of export for fifteen subsequent years, amounting on an average (from 1775 to 1789, both inclusive,) to 96,336 quarters per annum. For the ten subsequent years, from 1790 to 1799 (both inclusive), there was an excess of import, amounting, on an average of those years, to 50,153 quarters per annum. For twelve months, from 26th of September, 1799, to 27th September, 1800, there have been imported, into England, 61,034 quarters; into Scotland, 6,954 quarters.

Oats.—Since the year 1750 there has been annually an excess of import, which has gradually increased. On an average of five years, from 1795 to 1799, both inclusive, the excess of import amounted to 618,643 quarters per annum. For twelve months, from the 26th of September, 1799, to the 27th September, 1800, there have been imported, into England, 446,712 quarters; into Scotland, 32,608 quarters.

Rice.—Within twelve months, from the 26th of September, 1799, to the 27th of September, 1800, there have been imported, into England, 291,950 cwt. 6 lbs.; during the same period, into Scotland, 8,743 cwt. 2 qrs.

Indian Corn.—In 1795, 7,000 quarters of Indian corn were imported at London, of which only 2,100 quarters could be retailed among the millers that year by way of trial, at the average price of 50 shillings per quarter. In 1796, between three and four hundred quarters were sold among the millers, at the average price of 45 shillings. In 1797, about 1,400 quarters sold at 28 shillings per quarter, of which about 1,200 sold for re-exportation, there being no demand for it in this country. Within twelve months, from the 26th of September, 1799, to the 27th September, 1800, there have been imported, into England, 3,506 qrs. 1 bushel; into Scotland, 2,372 qrs.

Every degree of encouragement has this year been held out, not only for the import of grain, but of rice and of Indian corn; and from the steps already taken, and the active speculations of the British merchants, which ought to be peculiarly encouraged at the present moment, there is reason to expect a considerable importation. The circumstances of those countries from which the supply is usually drawn, may however create some difficulty in this respect, especially as your committee is informed that the prices of all grain are now unusually high in the north of Europe. The crops in America have however been abundant; and the committee are informed, that a considerable supply of flour may be expected from thence as early as February next.

The Lords' Committees, in order to bring under one view the whole of the measures which have already been adopted on this subject, or which are still in their progress, have thought it right to subjoin to this part of their report, the following list of bills actually passed, or now in course of passing, since the commencement of the present session, together with a statement of the objects to which those bills have been directed; and they have added to this statement a copy of the information received from the chairman of the court of directors of the East-India company, as to the steps taken by that court to encourage the importation of rice. But your committee think it necessary to report to your lordships their decided opinion, that although considerable assistance may, as they trust, be derived from these measures, the only safe and effectual reliance, under this visitation of Providence, must be on economy of consumption.

LIST OF BILLS, AND THEIR OBJECT.

TITLE.	OBJECT.
An Act to prohibit, until the 1st day of November, 1801, the exportation of rice; and to indemnify all persons who have been concerned in preventing the exportation thereof, or in the non-performance of any contracts	To retain and preserve within the kingdom, for the use of the public, the quantity of rice already imported, or which may be imported between this time and the month of November, 1801; the same being found a most use-

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and agreements that shall not have been performed in consequence thereof.

An Act to authorize his majesty, from time to time, to prohibit the exportation of provisions or food.

An Act for suspending, until the 20th day of August, 1801, the duties on hops imported, and for charging other duties in lieu thereof.

An Act to prohibit, until the first day of January, 1802, the use of corn in distilling of spirits, or making of starch.

An Act to permit, until the 1st day of October, 1801, the importation of herrings and other fish, the produce of the fishery carried on in Nova Scotia, New Brunswick, Newfoundland, and on the coast of Labrador, into this kingdom, without payment of duty.

An Act for continuing until the expiration of forty days after the commencement of the first session of parliament that shall be begun and holden after the 1st day of September, 1801, several laws relating to the prohibiting the exportation, and permitting the importation, of corn and other articles of provision, without payment of duty; to the allowing the use of sugar in the brewing of beer; to the reducing the duties upon spirits distilled from melasses and sugar; and to the prohibiting the making of low wines or spirits from wheat, and certain other articles, in that part of Great Britain called Scotland.

An Act for granting bounties on the importation of wheat, barley, rye, oats, peas, beans, and Indian corn; and of barley, rye, oat, and Indian meal, and wheaten flour and rice.

ful, wholesome, and nutritious substitute for bread when eaten separately, and making a considerable saving in the consumption of the flour of wheat, or other grain, when mixed with it and made into bread.

To retain and preserve within the kingdom the whole stock of every other article of provision or victual whatsoever, as well as of corn, that can be used for the food of man, in order that, by a more general recourse being had to the former as substitutes, the deficiency of the latter may be the less sensibly felt.

As the law stood before this act, in order to encourage the growth of hops in this country, the duty on importation amounted to a prohibition. To supply the deficiency of the present crop, the above high duties are suspended, and an encouragement given to the importation of hops, by a trifling duty only imposed.

It has been thought right, that even two such important branches of trade as those to which this bill relates, and which in a time of plenty are of considerable use in increasing the consumption of corn, to the manifest advantage and profit of the grower, should, for the sake of the poor under the present scarcity, be wholly prohibited from the use, even of so necessary an article of their respective manufactures; it being the wish of parliament not only to prevent any unnecessary consumption, but to sacrifice every less consideration to the obtaining an adequate supply of corn under the existing circumstances.

To encourage the importation of this useful article of food, and by the introduction of it as a substitute for bread in the present scarcity, to accustom the poor to that variety of food, which by degrees may lessen the value they at present set on the article of bread, from the mere but natural prejudice of habit.

The general object of both these acts is to prevent any article of food from being carried out of the kingdom, and by encouraging the importation of every sort of provision, so to increase the general stock, as to remove all apprehensions of the bad effects of scarcity, beyond the necessary consequence attendant upon every scarcity, namely, an addition to the price of the particular article; at the same time, in consequence of the supply to be expected from the encouragement held out, there is good ground to hope for a reasonable reduction, even in the price of corn. The allowing of the use of sugar, &c. in brewing, the lessening the duties on spirits made from melasses, and prohibiting the distillation of low wines from corn, in Scotland, have one common object, namely, the appropriation and setting apart of all the corn at present in the country, or that may be imported into it, for the single article of bread.

PART SECOND *Means of Economizing Consumption.*—In their first Report, the Lords Committees advised your lordships to concur in an address to his majesty, as proposed by the House of Commons, humbly requesting that his majesty would be graciously pleased to issue a proclamation, strictly enjoining and requiring the utmost economy in the

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consumption of all articles of grain. The Lords' Committees can entertain no doubt of the disposition of their fellow subjects to concur in carrying into the fullest effect the solemn call which his majesty has, in consequence thereof, been pleased to make on all classes of the community. But they take the liberty to repeat to your lordships their decided opinion, that this can only be done by the adoption of detailed measures for the purpose, grounded on a deliberate conviction of that necessity, the existence of which has, on the fullest investigation, been clearly proved to the committees of both Houses of parliament.

With a view to bring more particularly before your lordships the consideration of the different resources to which recourse may be had on this occasion, to economize the consumption of wheat, the Lords' Committees have entered very extensively into this branch of the subject referred to them. The most natural and obvious substitutes for wheat are the other grains of the growth of this kingdom, barley, oats, and rye. With respect to these, the Lords' Committees have been informed, that a much larger proportion than is perhaps generally understood, of the northern parts of England, has always continued in the habit of consuming oaten bread, and that in the midland and western counties, barley enters largely into the food of the labouring classes: and they trust that these facts, strongly urged and impressed upon the public mind, will tend to remove an ill-founded prejudice which your Committee are informed still exists in this metropolis, and in its neighbourhood, against the use of any other bread than that made from the finest wheaten flour.

The Lords' Committees have found, that, in most parts of the kingdom where the inhabitants had formerly been accustomed to the use of bread made with a mixture of barley, or with barley alone, and where, within a few years, that diet had been partially changed for wheaten bread, recourse had almost universally been had to their former food; and that, in some parts of this kingdom, where mixed bread had not before been brought into general use, this mode (which your Committee, conceive to be far the best) of economizing wheat, has recently been adopted.

Barley.—The testimonies of all the persons from the different counties, who have been examined on this point, are uniformly in favour of barley, as the most nourishing and cheapest article of food, whether as an entire substitute for the use of wheaten bread, or in mixtures with wheaten or other flour.

It is stated to your Committee, that in a considerable part of Devonshire little else is used among the poorer classes than bread made entirely of barley; that in ordinary years one-eighth part of the consumption of the county of Dorset is in barley, and that this year it has been one-fourth; that on the hills, in Gloucestershire, it has been used with wheat, in the proportion of one-half, and in the vale part of the same county, in that of one-third. That in some parishes of Nottinghamshire the subsistence of the poorer classes has been confined to barley alone; that in many parts of Northamptonshire and Huntingdonshire, and other of the midland counties, they use bread made entirely of barley; that the use of mixed bread has become general in parts of Bedfordshire and Buckinghamshire; that in Lincolnshire the poorer classes who (within the memory of the person from whom this testimony was received) had exchanged the use of barley bread for wheaten, returned last year to barley bread; that in Yorkshire and Lancashire the use of it has been much extended; and that in Scotland a considerable quantity of barley meal was substituted for oats during the last season, and has given satisfaction.

The information thus received of the great increase of the use of this grain is the more satisfactory to the Committee, from the circumstance of the knowledge they had already acquired of the superior quality of the flour produced from it in the present year; and the increased demand appears to them to afford a sufficient reason for the high price of this article, notwithstanding the crop has been proportionably much more productive than that of wheat.

That an article now of such general use is in no degree prejudicial to health, it is hardly necessary to state. But lest any doubt should be entertained on this subject by those who have not been in the habit of seeing its effects, the Committee think it right to mention, that on, information respecting places where it has been used exclusively through the whole year, it appears in evidence, that the inhabitants have been at least as healthy as with the use of any other food; and the committee are informed, that one, of the best proportions in which it can be mixed with wheat, where it is not used alone is one half barley to a like quantity of wheat.

Oats.—With respect to oats, the crop of which, in England, appears to have been equal to an average crop, the committee find, that the consumption of this article which, is used almost universally in Scotland, and in some of the bordering counties of England, has also been considerably extended in Lancashire and in other parts of the kingdom; and as no race of men is more hardy than that of the inhabitants of those counties where this article is the general food, the Committee think, that it must be considered as a valuable substitute for wheat in those parts of the kingdom where it is, not yet brought into general use. It may be ground in equal proportions with wheat or with barley; and either of these mixtures will, as the Committee are informed, make a palatable and nutritious bread.

Rye.—Rye is an article less generally con-

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sumed in this kingdom than either of the preceding grains; but it is used alone in bread amongst the pitmen and and other labourers of the county of Durham and Northumberland. It is mixed with wheat in some parts of the North, and experiments have been successfully made by mixing it with other grain for bread,

Pease and Potatoes.—The Lords' Committees also call the attention of your lordships to the use of pease in various methods, particularly in soups for the labouring classes, and in mixed breads; and also that of potatoes, which have, by rapid degrees, within the last twenty years been introduced as a very general food among all descriptions of persons.

Rice.—Your Lordships Committee next proceed to call your attention to the article of rice. They have great satisfaction in confirming to your lordships the information contained in the report of the committee of the House of Commons, of the expectation of a large importation of this excellent and nutritious food. They have heard from all parts of the country where this substitute has been introduced, that the utmost satisfaction has arisen, wherever its advantages, and the use to which it should be applied, have been understood, and as your Committee are aware that the most detailed instructions are necessary in order to bring into general use a substitute of the nature of rice, which can only be rendered fully advantageous as a food to man, by attention to some circumstances in the modes of preparing it, the knowledge of which (notwithstanding the highly commendable endeavours used for that purpose, particularly by the Society for Bettering the Condition of the Poor), is not yet universally diffused, they have thought it necessary, in this case, and in others which they have submitted and proposed to submit to your lordships, to enter into a minute detail in the Appendix of this report, confident that by such means they are most likely to further the great end of economy in the consumption of grain, and especially of wheat.

The use of rice is very beneficial where it is mixed with wheat and other grain, for the purpose of making bread. Such bread is stated to your Committee to have been made and readily purchased by the poorer classes in the neighbourhood of Gloucester, and also in a part of Sussex. And bread made of four parts wheat and one part rice is now made in London, and sold in considerable quantities at a price below that of the wheaten loaf. It has also been successfully tried for a considerable period in private families. But the committee do not consider the use of rice in bread as the most economical or advantageous way of applying this article to the food of the labouring classes. A great variety of information has satisfied them that more food is produced from it by some of the other methods, of which particular accounts are stated in the Appendix, No. 2: and they are enabled to add, from the concurrent testimony of persons from almost every part of the kingdom, that wherever this article has been introduced, it has been found to afford both a palatable and nutritious food. In Rutlandshire, particularly, they have been informed that it is now generally used by full two-thirds of the inhabitants.

Indian Corn.—Your Committee have received very satisfactory information of the great advantages which have accrued from the use of Indian corn, where it has been tried, both as food for man and for horses; and they have also the satisfaction to inform the House, that the importation of this grain, which has formerly been inconsiderable, may in future be much enlarged.—They have not learnt that the use of this article has as yet become general in any part of the kingdom; but, on trials that have been made of it in different parts of the kingdom, it has been found to answer perfectly well, and to afford a peculiarly cheap and nutritious food; and it is well known that, in America, it constitutes a considerable part of the food of all classes of the inhabitants, who are so attached to it, that, when in this country, they frequently procure it by importation for their own consumption. It may be ground into meal by the ordinary process, or may be used when only broken, according to the modes stated in the Appendix, No. III.—As food for horses it is very nourishing and healthy; it is in general use for this purpose also in America, and is considered as more strengthening than oats, being given only in the proportion of one half of that grain.—Its ordinary price in America is stated to your Committee to be one third less than wheat; and there appears reason to believe, that, even in the present year, considerable quantities may be imported.

To the consideration of these articles of grain your Committee thought it necessary to add that of fish, of meat, and of soups, in so far as these appeared to afford the means of food for the more numerous classes of their fellow-subjects.

Fish.—On the first of these points, all they could have stated to the House has been anticipated by the Second Report of the Committee of the House of Commons, which has been communicated to your lordships, and referred to this Committee. They highly approve the measures already taken on this subject; and if sufficient encouragement be given by parliament to the plan there detailed, and if the zeal of individuals, and of those with whom rests the management of the parishes, particularly in the metropolis, be directed to it, the Committee are sanguine in their expectation of its being productive of the most extensive advantages.

Meat.—With respect to meat, it has been stated to the Committee, that the cheaper parts of beef and mutton may be applied with

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great advantage, in point of expence, to the food of labourers, particularly if mixed with rice. But there is another resource which might be resorted to, and that to a considerable extent.—Your Committee have learnt that there is a large quantity of salt beef now in the London markets, and that more is daily expected from Ireland, where the price is considerably lower than last year. This beef is now at such a price as that it may be applied with very great advantage to the food of the poorer classes, especially if mixed with rice. In Scotland it is used in broth, and mixed with vegetables; but it has not yet been brought into any general use in England, though, upon the trials hitherto made by mixing it with rice, and with pease, it has been received as a very acceptable article of food, particularly as a substitute for bacon, the price of which is now unusually high.

Soups.—Soups were last winter distributed in considerable quantities, particularly in the metropolis; and it is stated that two thirds of the expense that would have been incurred in the usual mode of parish relief, has thus been saved, and that greatly to the advantage of the persons receiving this aid. Your Committee cannot too strongly express their sense of the infinite advantages that have been derived from these excellent institutions, which they have the satisfaction to know, have been imitated in various parts of the country, both by the benevolence of individuals, and also by the well-applied zeal and discretion of parochial officers. Every degree of encouragement should, in the opinion of the Committee, be given to the continuance of this system, which is peculiarly beneficial, not only to those persons who actually receive parochial relief, but also to those who, not receiving such relief, yet nevertheless feel most severely the pressure from the present dearth of provisions. And your Committee has been informed, that one of the most useful ways of giving this encouragement, would be the disuse of soup or gravy meats in opulent families; by which means the coarser, but not less nourishing pieces, would be sold at a reduced price to these establishments, or for the consumption of poorer families.

The Lords' Committees, having thus called your lordships' attention to the modes in which these substitutes of our own growth and of importation can be used, proceed to give your lordships their humble opinion with respect to the economical consumption of them; but before they proceed to observe on this subject, they think proper to state, with respect to wheat, although the deficiency of the crop may be calculated at not much more than a fourth of the average growth, they cannot but most earnestly recommend an endeavour to reduce their consumption of that grain in the proportion of at least one third, as required by his majesty's royal proclamation; such reduction appearing to them absolutely necessary, taking into consideration the want of stock in hand, the deficiency above stated, and the expenditure of a sixth of the crop, which may be taken as the quantity already used for seed. They are unanimously of opinion, that the entire use of pure wheaten flour, and the use of pure wheaten bread, other than such as shall be made of the whole meal (the broad bran only being excluded), should be wholly discontinued; that a mixture of at least one third of other grain should be used, where it can be procured; and further, that such reduction in the consumption even of bread so mixed, should be made from the usual allowance in families (where other articles of food can be provided), as may bring it to one quartern loaf per head per week, or even to less; as your Committee are of opinion, from information which they have received, that less will be sufficient in such families. With respect to barley, which your Committee have stated as the first substitute to be resorted to in a scarcity of wheat, they see, with great satisfaction, that laws have been passed to prevent the use of barley in the distilleries, and to allow of such alterations in the method of making malt from such barley as is not fit for the food of man, as to introduce so much larger a proportion of this grain to be used as bread. The Lords' Committees have, for a similar reason, great satisfaction in observing, that the attention of all persons is called by his majesty's proclamation to the utmost saving in the use of oats by horses, as they are informed that a saving may be made of at least one fourth in the ordinary method of feeding horses not used for the hardest work, particularly by the mode lately adopted with the best effect, in this metropolis (as given in evidence before your Committee), namely, by mixing chopped hay and straw with oats so given.

Part Third. *Freedom of Circulation.*—Your Committee feel themselves strongly called upon to point out the great importance of preserving the commerce and circulation of grain in the interior of this kingdom perfectly free and open, as the only method of preserving any degree of level through the different markets of the kingdom, and as the most efficient means of securing to the consumer bread at the cheapest rate.

It has clearly appeared to your Committee, by the evidence of the witnesses examined, that all obstructions to the purchase or removal of grain, and every event which created apprehensions in the minds either of the farmers or of the dealers in corn, as to the security and freedom of their trade, have uniformly tended to raise the price, and have, in many instances, proved highly injurious to the community at large, particularly by rendering difficult in one place, as stated to your Committee, the circulation of seed corn, and absolutely, in some instances, preventing the baking of a sufficient quantity of bread for the usual consumption.

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As far as has appeared to your Committee, (and they have not neglected to examine, extensively, as to the existence of the supposed combinations and fraudulent practices of unfair dealers), they have not been able to trace, in any one instance, any thing more than such suspicions and vague reports as usually prevail in times of scarcity; and they are of opinion, that what have been represented as deep schemes and fraudulent practices to raise the market, have been only the common and usual proceedings of dealers in all articles of commerce, where there is a great demand, and where great capitals and great activity are employed.

Your Committee do not take upon them to determine that no abuses have been in any instance committed by individuals; but in the trade at large they have hitherto perceived no injurious system to prevail; and they are confident the fullest and most ample protection ought to be afforded to all dealers in corn by the legislature and by the magistrates, not only from attention to that general principle of security and freedom of commerce which is conformable to the system of our laws and government, but also because persons engaged in this branch of trade are highly useful, and even necessary for the due and regular supply of the markets, and may, therefore, be considered as rendering an important service to the people at large.

Conclusion.—In adverting to the matter referred to them upon the extensive scale on which the Lords' Committees thought it their duty to consider it, they are desirous of touching upon some of the other points connected with it, to which they alluded in the commencement of their Report, although they do not feel themselves sufficiently informed to report any detailed opinion to the House. The means of preventing the recurrence of such difficulties as are now experienced, are naturally connected with the consideration of the mode of relieving the present pressure.

Your Committee have every reason to believe, that although, from the recency of many of the inclosures, the full advantage which may be expected from them has not yet been derived, they have unquestionably contributed to the improvement of agriculture, and an increased quantity of human food. Your Committee, therefore, entertain no doubt, that infinite benefit will result from a still further encouragement to inclosures in general, and particularly of waste and uncultivated lands; a measure that they deem themselves bound to recommend in the strongest manner, in the full expectation that the inclosure of those lands would, in itself, afford the most effectual means to prevent the recurrence of the deficiency of grain, from which the present inconveniencies are experienced. It has further appeared to your Committee, in the course of their inquiry, that the inundations of the fens, which took place in the year 1795, and in the years 1799 and 1800, have considerably diminished the ordinary supply of oats of our own growth, of which a proportion equal to one third is calculated to be the produce of that district of country which includes the fens of Lincolnshire, Cambridgeshire, Norfolk, Huntingdonshire, and Northamptonshire. They have also been assured, on the same authorities, that if the drainage of the fens were rendered more secure by an improvement of the outfall to the sea, a very considerable addition may be expected to the national produce of every description.

They are farther of opinion, that it may b expedient to examine the effects of the present laws, as well such as affect importatio and exportation, as those which regulate th internal commerce of grain; to remove wha has almost universally been stated to you lordships' Committee as a very great an material inconvenience, viz. the difference o the measures for the sale of corn throughout the kingdom; and to investigate whether the sale of corn by weight, or the sale by weight and measure combined, would not be more advantageous than by measure alone.

The Lords' Committees had entertained an anxious wish to connect with this Report some more detailed opinions upon subjects of this extreme importance. They have found it impossible, consistently with the more pressing subjects of this Report, to enter at large upon these topics; but they conceive, and humbly suggest, that an inquiry into them may be pursued with advantage in a future session of parliament.

The Speaker's Speech to the King on presenting the Money Bills.] Dec. 31. His Majesty came this day in state to the House of Peers, when the Usher of the Black Rod was sent to command the immediate attendance of the House of Commons, who soon after appeared at the bar.

Mr. Speaker *Addington* then addressed his Majesty as follows:

"Most gracious Sovereign;

"The bill now tendered to your Majesty by your faithful Commons, completes the provision which has been made for the several branches of the public service, till that period when your Majesty will receive the advice and assistance of your parliament of the united kingdom of Great Britain and Ireland. Impressed with a well-grounded confidence in the strength and resources of the Empire, and partaking, as they earnestly do, of that solicitude for the restoration of peace, of which your Majesty has given a recent though unavailing proof, your Commons are convinced that nothing can contribute more effectually to the accomplishment

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of that great object, than to manifest the ability and determination of this country to be fully prepared for the further prosecution of a contest, the continuance of which may justly be ascribed to the unwarrantable pretensions of the enemy.

" But on no occasion has the attention of your Parliament been more deeply and anxiously engaged, than by those important considerations to which it was peculiarly directed at the opening of the present session, in consequence of your Majesty's paternal concern for the welfare and comfort of your people. To alleviate, to the utmost of their power, the pressure upon all descriptions of their fellow-subjects, and upon the poorer classes in particular, your Commons have deemed to be the first and the most urgent of their duties. The measures adopted for this purpose are those which, they trust, are best calculated to afford substantial and extensive relief, and to provide for the necessary demands of the year. Much of their efficacy must, however, depend upon that temper, good sense, and fortitude, which this country has displayed under the severest trials, and which were never more conspicuous than at the present conjuncture.

" These, Sire, the last proceedings of your Parliament previous to the great æra now on the point of commencing, are the indication and result of that common interest and fellow-feeling with the people, by which it has ever been actuated, and which are the best safeguard of all that is most valuable in society. To that æra your Commons look forward with a confident expectation, that the consolidated wisdom and authority of the legislature of Great Britain and Ireland, under the auspicious government of your Majesty, and of your illustrious House, will diffuse, throughout every part of the united kingdom, the full benefits of that constitution, which has been proved to be favourable, in an unexampled degree, to the enjoyment of civil liberty and public prosperity; and which cannot therefore fail to animate the zeal and determination of those who may share its blessings, to cherish and maintain it in their own times, and to transmit it as the best inheritance to their posterity."

The King's Speech at the Close of the Session.] After the royal assent had been given to sundry bills, his Majesty made the following Speech to both Houses:

" My Lords and Gentlemen;

" I cannot suffer this session to close without returning you my particular acknowledgments for the distinguished industry and zeal with which you have applied yourselves to the interesting object which, at the commencement of the session, I most especially recommended to your attention.

" It has been my earnest wish that nothing should be omitted which could tend to relieve the pressure occasioned by the present dearth of provisions, and to insure a sufficient supply till the produce of the next harvest can be brought into use.

" The diligence with which your inquiries have been conducted, has afforded you the best means of ascertaining the true circumstances of our present situation; and the extensive measures which you have wisely adopted in consequence, for diminishing the consumption of grain, and procuring an increased supply, will, I doubt not, be found productive of the most salutary effect.

" Much, however, must depend on the disposition which will, I am confident, be manifested by all those who have the means of carrying into execution, my solemn recommendation and injunction, issued at your desire, for the adoption of all practicable economy in the use of those articles which are necessary to the subsistence of the poorer classes of my subjects.

" The time fixed for the commencement of the Union of Great Britain and Ireland necessarily terminates your proceedings on this important subject; but I am persuaded that the consideration of it will be resumed with the same zeal and temper on the first meeting of the parliament of the united kingdom.

" The early period which I have appointed for that meeting will afford a speedy opportunity of completing whatever you may have necessarily left unfinished, and of considering what measures may tend further to alleviate the pressure on my people, or to prevent the danger of its recurrence.

" Gentlemen of the House of Commons;

" I thank you for the readiness with which you have granted the supplies necessary, under the present circumstances, for the public service.

" My Lords and Gentlemen;

" The detention of the property of my subjects in the ports of Russia, contrary

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to the most solemn treaties, and the imprisonment of British sailors in that country, have excited in me sentiments, in which you and all my subjects will, I am sure, participate. I have already taken such steps as this occasion indispensably required, and it will afford me great satisfaction if they prove effectual; but if it shall become necessary to maintain, against any combination, the honour and independence of the British Empire, and those maritime rights and interests on which both our prosperity and our security must always depend, I entertain no doubt either of the success of those means which, in such an event, I shall be enabled to exert, or of the determination of my Parliament and my people to afford me a support proportioned to the importance of the interests which we have to maintain."

And afterwards the Lord Chancellor, by his Majesty's command, said,

"My Lords and Gentlemen; It is his Majesty's command, that the Proclamation, declaring his Majesty's most gracious intention, that the members of parliament composing this parliament should be the members of the parliament of the united kingdom of Great Britain and Ireland on the part of Great Britain, and that the said parliament should be assembled on the 22nd day of January next, be delivered in full parliament, and now read, which closes the present session."

"And the said Proclamation was read by the clerk at the table, as follows, viz.

"GEORGE R.

"Whereas, by the fourth article of the Articles of the Union of Great Britain and Ireland, as the same are ratified and confirmed by two acts of parliament, the one passed in the Parliament of Great Britain, intituled, An Act for the Union of Great Britain and Ireland, the other passed in the parliament of Ireland, also intituled, An Act for the Union of Great Britain and Ireland, to have force and effect from the first day of January one thousand eight hundred and one, it is provided, That if we, on or before the said first day of January one thousand eight hundred and one, on which day the Union is to take place as aforesaid, should declare, under the Great Seal of Great Britain, that it is expedient that the Lords and Commons of the present parliament of Great Britain should be the members of the respective houses of the first parliament of the United Kingdom of Great Britain and Ireland, on the part of Great Britain; then the said Lords and Commons of the present parliament of Great Britain should accordingly be the members of the respective houses of the first parliament of the said United Kingdom, on the part of Great Britain: and whereas it is our intention to appoint Thursday the twenty-second day of January next ensuing for the assembling the first parliament of the United Kingdom of Great Britain and Ireland, by proclamation under the Great Seal of the United Kingdom; we do judge it to be expedient that the Lords and Commons of the present parliament of Great Britain should be the members of the respective houses of the first parliament of the United Kingdom, on the part of Great Britain; and we do, pursuant to the said Articles of Union, and to the Acts of Parliament ratifying and confirming the same, hereby declare, under our Great Seal of Great Britain, that it is expedient that the Lords and Commons of the present parliament of Great Britain should be the members of the respective houses of the first parliament of the United Kingdom of Great Britain and Ireland, on the part of Great Britain; and the Lords and Commons of the present parliament of Great Britain are accordingly to be the members of the respective houses of the first parliament of the United Kingdom of Great Britain and Ireland, on the part of Great Britain; and the said Lords spiritual and temporal, and Commons, are hereby required and commanded to take notice hereof, and to give their attendance accordingly, at Westminster, on the said 22nd day of January next ensuing.

"Given at our Court at St. James's the 5th day of November, 1800, in the 41st year of our reign. God save the KING."

Thus ended the last Session of the last Parliament of the Kingdom of Great Britain.

FIRST SESSION
OF THE
FIRST PARLIAMENT
OF THE
UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND.

Meeting of the Imperial Parliament.] January 22, 1801. This being the day appointed for the Meeting of the Imperial Parliament, the same was opened by Commission, and the Commons being sent for to the House of Peers, the Lord Chancellor signified, that it was his majesty's pleasure to defer declaring the causes of his assembling the parliament, until the Commons had chosen a Speaker. He therefore desired them to choose a fit person to be their Speaker, and to pre-

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sent him there, for his majesty's approbation, on the following day.

Mr. Addington chosen Speaker.] The Commons having returned to their House, Mr. *Pelham* rose, and, addressing himself to Mr. Ley, the deputy clerk, said, that the House had been at the House of Peers, where his majesty, through the medium of the lord chancellor, had recommended to his Commons immediately to proceed to the election of a Speaker. In making choice of a member to fill that important situation, it had been customary to take into consideration those qualities which were indispensably requisite to enable the person invested with it to support the dignity of the House. It was unnecessary to say, that he should be a man of transcendant abilities, of equal and steady perseverance, of extensive knowledge, and of approved experience in whatever related to the laws and customs of parliament. That he should likewise be a man of a firm and vigorous mind, capable of supporting by his authority the privileges of the House; that he should possess a disposition no less characterised by its energy on the one hand, than tempered by its moderation on the other. If such had been considered essential qualifications in those who were selected to preside over the deliberations of the people's representatives in common times, surely they were more peculiarly required at a period like the present, when an event had taken place, which must necessarily give rise to discussions of the most important nature, upon subjects of internal regulation; an event, which, while it called into action the united wisdom of the empire, would, he trusted, tend to consolidate and establish the constitution and government, an event which would embrace an infinite variety of new objects, and consequently demand exertions surpassing those of ordinary periods. In saying this, he wished it by no means to be supposed that there was any difficulty in making choice of a person fully adequate to the performance of the important duties of the chair—far from it. His mind was impressed with no such difficulty, nor could the House hesitate a moment with regard to the person it should call upon to perform them. He was actuated by the strongest reasons to propose that Mr. Addington, who had already filled with so much credit the chair of the British, should be appointed to fill that of the united parliament. The abilities of that gentleman were too well known to require his panegyric; but he could not avoid observing, that in an age like the present, when the vanity of every man made him think himself adequate to the highest offices, it was most fortunate for the public that such a man as Mr. Addington, whose eminent qualities presented the fairest claims to the chief dignities of the state, should have confined his attention, undistracted by more ambitious pursuits, to those studies, which, in so superior a degree, had qualified him to represent the collective wisdom of the people at large. He flattered himself he should not only have the unanimous concurrence of the members of the British parliament, but of those who, for the benefit of the whole empire, had been incorporated with it. Their support on this occasion would be no inconsiderable pledge of the unanimity which would in future prevail with respect to whatever concerned the dignity and independence of parliament, the stability of the government, and the welfare and happiness of the country. He concluded by moving, "That the right hon. Henry Addington be called to the chair of the House."

Mr. *Yorke* rose to second the proposition. He was fully persuaded how unnecessary it would be to add many words to what had already been so ably enforced. He was convinced it would be a waste of time to endeavour to persuade the House to do that which he was sure every gentleman present must wish to do. He was aware also how unpleasant it must be to the right hon. gentleman who was the object of their choice, to hear his own praises resounded, however conscious he must be of having well deserved them. Much as he was interested in the elevation of a person with whom he had the honour of being on terms of the strictest friendship, he was less actuated by motives of personal friendship, than a persuasion that he was, by so doing, promoting the public good. In times like the present, when the situation of Europe was so peculiarly alarming, when the envy, the pusillanimity, and ingratitude of some courts, and the perfidy and malevolence of others, were exerting every means of increasing the inveterate malice of the enemy against this country, it was necessary that all the talents and experience the empire could produce should be brought forward. It was necessary, that in the cabinet, the

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senate, and above all, among the people, every energy of which the soul was capable should be brought into action. He would ask, where the greater qualities of wisdom and experience could be more required than in the chair of that House, the center on which every thing that animated and gave vigour to the country turned, the master-mover and spring of all its operation, and more especially at a time when the Commons of the united nation were now, for the first time, assembled, and when many difficult points of internal arrangement must of necessity arise? With this view it was that he thought it necessary there should be placed in the chair, a person, whose knowledge of the laws and customs of parliament, whose steadiness, and equanimity of temper and disposition, whose urbanity of manners, and whose rectitude of conduct, were universally admitted. When the name of Addington was proposed, his mind immediately suggested to him, that it was that of a gentleman, of all others most eminently qualified to fill the chair of the House of Commons; and, under that impression, it was with no inconsiderable degree of self-satisfaction, that he seconded the motion [Cries of Hear, hear!]

Mr. *Addington* said:—The House must be aware that such a motion, so supported, and so received, must have made a strong impression on the person to whom it applied. He trusted, that what had passed that day, and the remembrance of those marks of approbation with which he had before been honoured, had excited in his breast those sentiments which he ought to entertain, but which he was wholly unable to express. He concurred in the opinion, that for the convenience of the proceedings of the House, it was necessary a person should be selected to fill the chair, who was acquainted with the privileges, and accustomed to the usages of parliament. The House was about to confer a great and important trust—a trust superior to any that can be conferred by parliament, without the intervention of the other House. Its nature and importance it was unnecessary for him to point out; it was perfectly known to the whole House; but by no part better understood than by those who, convinced of the intentions of the British empire, now, for the first time, formed a part of the united parliament. The qualifications required on the part of the person called upon to execute such a trust, he was still less disposed to enumerate; the enumeration, he feared, would constitute the strongest objections to the choice the House had adopted. What the right hon. gentleman, who had proposed his nomination to the chair, had been pleased to say of him, and the manner in which the House had received the nomination, had not so much inspired him with a confidence that he was adequate to the duties, as it had heightened those sentiments by which he had before been inspired. He felt strongly what was the situation of the country at the present period, and he was ready to sacrifice ease, or even health itself, to considerations of the public welfare; but those considerations had induced him to look into himself, and compare the faculties he possessed with those which were expected from one in the situation he was called upon to fill. Upon making the comparison, he had felt a disposition to decline the honour; but, from the manner in which it had been proposed and received, he was disposed to forego that repugnance he experienced from a consciousness of his own inability. It was far from his wish to subject himself to the imputation of affectation; but he trusted he was as much attached as any man to the blessings of our free constitution; he trusted that he respected those constitutional privileges of the subject, and those forms of justice, the result of the accumulated experience of ages, which unhappily it had been found necessary to suspend, but which he hoped would be renewed by the united parliament. He trusted he felt every anxiety for the preservation of the liberties of the country; and he should be ashamed to look his countrymen in the face, if, in accepting the Chair, he had any other object in view than that of entitling himself to their approbation, by a faithful performance of its duties, as far as his abilities would enable him; to accept it from any other motive, he should deem not only reprehensible, but criminal. That he had before filled the chair with success, was to be attributed to the assistance he had experienced from the House. He could truly say, that during the course of twelve years, under circumstances which had rendered the discharge of his duties more peculiarly arduous, he had experienced nothing but kindness from those who composed the parliament; he was fully aware of the responsibility attached to the situation; but

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he was persuaded, if he filled it, he should receive the same support with which he had ever been honoured. He should trespass no longer on the time of the House: if it should be their determination to call upon him for such services as he was capable of performing, they might be assured that any commands they might lay upon him he should think it incumbent on him to obey.

Mr. *Wilberforce* said, he rose to do justice to the motives which had induced the hon. gentlemen to propose Mr. Addington to that chair, which he had so long and so ably filled; but they had, in one particular, omitted to pay that tribute to his merits which he so justly was entitled to. He felt himself bound, therefore, on the part of his constituents, to discharge a debt of gratitude towards that gentleman. In detailing his services, reference had been made to past experience of those which were of a more public nature. It happened, though much appeared of his labours and services, yet much that he performed did not come abroad to public view. Every one who looked back to the whole of the period in which Mr. Addington had filled the chair of the House, knew how ably and honourably he had discharged the public duties of his office; but if they would at the same time consider the numerous private acts of parliament that had passed, the manner in which such acts necessarily affected the property and the rights of private persons and bodies corporate, the various ramifications into which they must have extended in the course of the last twelve years, the indefatigable attention paid by that gentleman, that one party might not encroach upon the rights or privileges of another, the facility with which he had promoted the interests of all concerned; if they would consider this, then they would know how to set a value upon his exertions in the discharge of those equally numerous, but less entertaining duties of his situation. With respect to other points, he was, perhaps, less competent to speak, because he could not discriminate between private feelings and public duty; but he thought they could not consult the interest of their constituents, or the dignity of the House, better than by placing the right hon. gentleman in the Chair.

Mr. *Addington* was then conducted to the Chair. He said he had to intreat the House to accept his most grateful acknowledgments for the high honour they had done him in placing him in the Chair, and above all for the manner in which that honour had been conferred. He begged leave to assure them it had made a deep and lasting impression on his mind.

Lord *Hawkesbury* congratulated the right hon. gentleman on his situation. If ever there was a period when it was necessary that the organ of the House of Commons should be known for his wisdom, moderation, diligence, and integrity, it was the present. He conceived it fortunate that the House had had the opportunity of selecting a gentleman whose talents and parliamentary knowledge had been matured by twelve years experience. The dignity of the House was connected with that of the Chair; there was no person so proper in every respect, to fill it; and he was happy to find, that, whatever difference of opinion there might have been on other occasions, the House, in electing Mr. Addington to the chair, had been unanimously actuated by the same sentiment. He concluded by moving an adjournment; which was agreed to.

On the following day, Mr. Addington was presented to the Lords Commissioners, and approved of.

The King's Speech on Opening the Session.] February 2. His Majesty went in state to the House of Peers, and opened the session with the following Speech to both Houses:

"My Lords, and Gentlemen;

"At a crisis so important to the interests of my people, I derive great satisfaction from being enabled, for the first time, to avail myself of the advice and assistance of the parliament of my united kingdom of Great Britain and Ireland.

"This memorable æra, distinguished by the accomplishment of a measure calculated to augment and consolidate the strength and resources of the empire, and to cement more closely the interests and affections of my subjects, will, I trust, be equally marked by that vigour, energy, and firmness, which the circumstances of our present situation peculiarly require.

"The unfortunate course of events on the continent, and the consequences which must be expected to result from it, cannot fail to be matter of anxiety and concern to all who have a just feeling for the security and independence of Europe.

"Your astonishment, as well as your regret, must be excited by the conduct of those powers whose attention, at such

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a period, appears to be more engaged in endeavours to weaken the naval force of the British empire, which has hitherto opposed so powerful an obstacle to the inordinate ambition of France, than in concerting the means of mutual defence against their common and increasing danger.

"The Representations which I directed to be made to the court of Petersburgh, in consequence of the outrages committed against the ships, property, and persons, of my subjects, have been treated with the utmost disrespect; and the proceedings of which I complained have been aggravated by subsequent acts of injustice and violence.

"Under these circumstances a Convention has been concluded by that court with those of Copenhagen and Stockholm, the object of which, as avowed by one of the contracting parties, is, to renew their former engagements for establishing, by force, a new code of maritime law, inconsistent with the rights, and hostile to the interests of this country.

"In this situation, I could not hesitate as to the conduct which it became me to pursue. I have taken the earliest measures to repel the aggressions of this hostile confederacy, and to support those principles which are essential to the maintenance of our naval strength, and which are grounded on the system of public law, so long established and recognized in Europe.

"I have, at the same time, given such assurances, as manifest my disposition to renew my ancient relations with those powers, whenever it can be done consistently with the honour of my crown, and with a just regard to the safety of my subjects. You will, I am persuaded, omit nothing on your part, that can afford me the most vigorous and effectual support in my firm determination to maintain to the utmost, against every attack, the naval rights and the interests of my empire.

"Gentlemen of the House of Commons;

"I have directed the estimates for the several branches of the public service to be laid before you: deeply as I lament the continued necessity of adding to the burthens of my people, I am persuaded you will feel with me the importance of providing effectual means for those exertions which are indispensably requisite for the honour and security of the country.

"My Lords and Gentlemen;

"I am confident that your deliberations will be uniformly directed to the great object of improving the benefits of that happy Union, which, by the blessing of Providence, has now been effected; and of promoting, to the utmost, the prosperity of every part of my dominions.

"You will, I doubt not, resume the enquiries which were so diligently prosecuted in the last session of parliament, as to the best means of relieving my subjects from the pressure of the present high price of provisions; and of preventing, as far as it can be done by human foresight, the recurrence of similar difficulties. In these endeavours, and in every measure that can contribute to the happiness of my people, the great end of all my wishes, you may be assured of my cordial concurrence.

"You may rely on my availing myself of the earliest opportunity which shall afford a prospect of terminating the present contest, on grounds consistent with our security and honour, and with the maintenance of those essential rights on which our naval strength must always principally depend.

"It will afford me the truest and most heartfelt satisfaction whenever the disposition of our enemies shall enable me thus to restore to the subjects of my united kingdom the blessings of peace, and thereby confirm and augment those advantages which result from our internal situation, and which, even under all the difficulties of war, have carried to so great an extent the agriculture, manufactures, commerce, and revenue of the country."

Debate in the Lords on the Address of Thanks.] His majesty having retired, the king's speech was read by the lord chancellor, and again by the clerk at the table. After which,

The Duke of *Montrose* said, he rose with a degree of satisfaction he could ill express, at the situation in which he found himself, having the high honour, as he had, of addressing himself, for the important object he had in view, to the peers of the united kingdoms of Great Britain and Ireland, whom his majesty had met this day for the first time. He congratulated the House on the happy event of the Union, at a time when the combined efforts of the two islands were particularly called for, to repel the inso-

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lence of new enemies, and to resist the pretensions and designs of France. He had no doubt of the strength of each country being increased by the great measure of the Union, and of the happiness as well as power of both being more firm and secure. Ireland, however, would, he believed, be the greater gainer. The natural resources of that country wanted capital and activity to make them beneficial in the highest degree; and there being now no distinction between the countries, but Ireland being an integral part of the empire, there could be no doubt that the capital, which had made England the envy of the world, would spread to that country, and include her in the benefit. Ireland had reason to expect this, and on every question might calculate on the most liberal policy from England, whose generosity was characteristic.—The benefit resulting to two independent nations, from an entire incorporation, by such an union as the present, was not at this day a mere speculation. The benefit of union had been tasted and tried in the case of Scotland, and he rejoiced in saying, that though both countries had reaped essential advantages from the Union, yet Scotland had reaped the most. All the valuable consequences to Scotland, that had been suggested as motives to that country, at the time of agitating the question of an union with England, were fulfilled, and many more added to them that were never promised, nor even foreseen in all their extent. She had united with a kingdom of greater extent of dominion, capital, skill, and commerce, than her own. Fears had been entertained at the time, that she would suffer under the superior influence of her more powerful neighbour—from the majority of representatives, and other circumstances; but all those apprehensions had been found to be chimerical, since, by the liberality of England to Scotland, she had not, in any one instance, felt the inferiority of her numbers in the legislature. On the contrary, there had been an uniform attention paid to the weaker powers. The conduct of England had not only been sincere, but great and generous.—It was in vain to attempt to notice every instance in which Scotland was improved and enriched since that period by the Union. The fisheries were supported and extended, the land cultivated, trade increased, and capital enlarged. England had stipulated to spare Scotland in the land-tax, and had sacredly held her engagement, although the land in Scotland daily rose in value beyond her proportion of those taxes. England might have broken her engagements, for she had the power. But her faith and inclination were on the side of Scotland; and both countries had now reason to rejoice at the enlarged policy of England; for even the latter was stronger and more secure in time of war for the Union; and Scotland was raised to partake of the wealth and power of a greater and more cultivated nation than herself. All this was evidence to Ireland, that she had nothing to apprehend from this country exercising superior power to her detriment; but, on the contrary, that every thing for her peculiar advantage would be conceded, and that there would be a vigour acquired by her incorporation with a kingdom of such capital, skill, and industry as Great Britain. The fertility of the soil of Ireland; its natural resources; and aptitude for commerce, could not be truly ascertained, until they should be developed by the capital and skill of England. They would now all receive such an impulse as would demonstrate their value; and he was bold to say, that the most sanguine imagination could not anticipate the extent of riches and power, to which, under these auspices, she would speedily rise. He was the more eager to speak in this tone, because in him the sentiment was hereditary. His family had, on the occasion of the Union, taken a zealous part in promoting the measure, at a time when it was highly unpopular in their country to do so; but every prediction of his ancestor had been fulfilled, and Scotland had now to bless the authors and advocates of that measure. In like manner he had no doubt but that Ireland would experience equal, if not greater advantages—while this country would glory in a connection with a people so brave and manly in their genius—so peculiarly endowed with every sentiment that ennobles and dignifies the human character.—He next adverted to the necessity that existed for all the advantage of combined strength in the British empire, to meet the late events on the continent. He spoke of the aggression of Russia in terms of the strongest reprobation. The ministers of the emperor of Russia, he said, had resolved to go to war with England, yet that was no easy matter to accomplish. This country and Russia had the same commercial interests; they were

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naturally friends; and it would be difficult to provoke the English cabinet into a war. But a method was found. It was not enough to revive a treaty hostile to the greatness of this country, but a most flagitious breach of faith was to be committed by Russia. Our merchants and seamen trading in that country, with honour to themselves, and advantage to both nations, but most of all to Russia, although trading under the sanction of treaties, were seized, and treated with unexampled barbarity. This, the Russian ministry said, will not be endured by England, and we shall plunge her into war. And how, the noble duke asked, was this war to be avoided by a british ministry? Would their lordships recommend his majesty and the British nation to dissemble the injury, and bear all it should please Russia to inflict? It was to be hoped the great prince that ruled over all the Russias would see the wicked designs of his ministers, and would hearken to more just councils. That was to be expected when that great prince should know what his ministers had done, and the existing treaties with England—treaties that stipulated, in case of a rupture, that the merchants should remain unmolested for a year. And the House would observe with pleasure, that his majesty had assured them of his readiness to return to his accustomed relations with Russia, and the other northern powers.—His grace explained fully the nature of the confederacy in the north. Its object, he contended, was, to contravene the law of nations, and to destroy the rights of all maritime belligerent powers. He appealed to all writers on the subject, and to all decisions on the question: he called on their lordships to consider the very nature of the thing. A neutral power, that aids the commerce and supplies the wants of the enemy of a belligerent state, declares its hostility to that state. And this was so well understood, after the close of the American war, that it was expressly declared, in treaties with Denmark and Sweden, that the confederacy of 1780 had no object contrary to the acknowledged rights of a belligerent state, viz. that its enemy shall not be supplied to the detriment of that state, under the pretext of a neutral flag. Russia had since made the same concession in treaties she had made during this very war. There was still, therefore, good reason to hope that these powers would recollect the wrong they were doing this country; as it was committed in the face of treaties, and in contradiction to the law of nations, and all authorities on that law. There was a time when it would not have been prudent in this country to resist such a combination as that now formed in the north of Europe; but thanks to the noble earl who presided over the Admiralty—thanks to our gallant naval officers and sailors—we were now in a situation not only to resist all such unjustifiable proceedings, but had it in our power to oppose the whole world, if it should be united against us. Our right to search neutrals was not to depend on the will of Russia; and if this right was relinquished, the maritime strength of the country was gone for ever, and the sun of British glory was set.—His lordship now adverted to the scarcity and dearness of provisions. He was persuaded, from the eager manner in which persons of the highest rank and largest fortune embraced the measures of economy in the use of provisions, recommended by the executive government, that the House would be unanimous in using every mode that could be devised to remedy the scarcity, and prevent a recurrence of the evil. Ireland, in this, would give a proof of the benefit of the union. That fertile land, when the capital of this country had found its way there, would produce a great deal more than ever towards the supply of this country. Even from the last harvest, some grain would be spared for our consumption. Many useful plans might certainly be adopted in England to increase the growth of corn. Something beneficial might also be done by revising the corn laws. It was a delicate subject; yet it had been held by very judicious men, that the policy on which those laws were grounded was not the wisest; and even many, who thought those laws necessary, still admitted that useful modifications might be adopted. From the consideration of domestic subjects, he would next beg leave to call the attention of the House to the present state of Europe. The prospects before us were certainly far from being pleasing; but, at the same time, there was no cause for despondency. Of the government of France he did not expect to hear it said, that it was sincere in talking of a general peace. The first consul, in affecting to negociate, had attempted to draw the court of Vienna into a separate peace; and in offering to treat with this country also for a separate

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peace, he had shown his intention to avoid a general peace. The interest of his power demanded a continuation of war. He hoped the agents, friends, and admirers of France, would not proceed in making this country the dupe of its artifices. The generals of France, after every victory, hold the language of peace; congratulate the first consul, and the French nation, on the power it will give them of making a general peace. The sincerity of these professions will soon be tried. England would not make a separate peace with France, because she was bound by treaty not to negociate without Austria. She gave the example of dignity and good faith. Unhappily, Austria was now in that condition; she had been compelled to break her engagements with this country; and as she must make a separate peace, England would have no obligation to refuse to treat with France separately. The moderation, therefore, and disposition to a peace with England, of the first consul, would be put to the proof. But it was not to be dissembled, how little was to be built upon that. France, it was his firm opinion, was more powerful than at any former period, and her ambition did not seem to be less. The situation of England, with respect to that power, was, therefore, arduous, and demanded all the integrity and zeal of their lordships; that they might not be lulled into a fatal security, that peace might be obtained on equal grounds, and not dictated by an imperious enemy to a divided and betrayed people. The noble duke then moved an Address, which was an echo of the Speech from the throne.

The Earl of *Lucan* seconded the motion. The union, he said, was an event in which every man who desired the strength and happiness of the empire at large must rejoice; and it was a happy thing that, at a moment when the course of events required all our exertion, we had thus secured the co-operation of the sister kingdom.

Earl *Fitzwilliam* lamented, that the course of events had made so momentous a change in the aspect of Europe, and in the affairs of this kingdom. He lamented that he could not this day rise to join in an unanimous vote of thanks to his majesty for his most gracious speech on the occasion of the union with Ireland—an event upon which his ideas were sufficiently known. As the event was now past, he would suppress the emotions he felt, and sincerely hoped that the sanguine expectations of the noble duke would be fulfilled. He could not, however, withhold his astonishment, that, at a crisis so awful, when we were about to be plunged into a new war, his majesty's ministers, instead of giving information to the House, had called upon them for new confidence and new support. He thought it the duty of that House to pause, and to inquire why we were to go to war, before they pledged themselves to support his majesty's ministers in it. He thought that, from a decent regard to the honour of his majesty, as well as from a sense of duty to their country, they ought to institute an inquiry into the causes of this calamitous predicament. He had deeply felt the consequences of the spirit that had broken out in France, and the destruction to which it led. He confessed that his hopes had been disappointed. The people of France had been called upon to rally round the standard of order, and to reinstate the ancient family of their kings. The nations of Europe had felt it their just and wise policy to join this cause; and no man had gone farther than himself, in maintaining the propriety and wisdom of this effort, to oppose the anarchy and disorder of the new doctrines. No man would go further than himself, even yet, in combating for the cause; but he must own that the thing was hopeless. The anarchy, however, to a great degree was gone. France was now, in fact, established into a monarchy, under republican forms, and under a new ruler. It did not depend on the opinion of an individual; and he feared it no longer depended on the power and energies of the nation to withstand the organization of the new order of things in France. The die was cast: he must submit. But he could not think it possible for that House, consistently with their duty to omit inquiring into the causes of the failure of our efforts, when such unlimited powers had been entrusted to ministers, and when they had all Europe in friendship with them in the common cause. It was surely incumbent on them to inquire how, instead of succeeding in this great object, they had all at once plunged us into a contest with our own allies. The war into which we were now to be plunged, was a war of our own seeking, as far as Sweden and Denmark were concerned. We had it in our power to suspend the discussion of the subject of the neutral

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code; for it was suspended in the year 1780, when surely this country was not in the very difficult situation in which she stood at present. What evils resulted from suspending the discussion of this question in 1780? None. The confederacy died away: it did not revive again on the breaking out of a new war; and this country suffered nothing from the circumstance. Why, with this experience of a wise and prudent course before our eyes, we did not again avoid the discussion of a subject leading to litigation, he could not comprehend: it was, in his opinion, the height of impolicy. We had, by this rashness, consolidated the powers of Sweden and Denmark with that of Russia. Nothing could be more distinct than the aggression of Russia and the question of the northern confederacy. The violence of the emperor Paul, the seizure of our ships and seamen, the disrespect to his majesty's representative—were all separate and distinct from the confederacy for the neutral code; and surely policy demanded that we should have kept them distinct. But we had thrown into the arms of Paul, the powers of Sweden and Denmark. Surely, if it was unjust in Russia to seize and detain our ships and property, it was equally unjust in us to seize and detain the ships and property of Sweden and Denmark. It had not been thought necessary to our honour or dignity to go to war with them before for the neutral code, and we had suffered nothing by our moderation. It surely, then, was important that the House should inquire into the circumstance of this most calamitous and rash proceeding on the part of ministers, before they pledged themselves to enter into this war. It was incumbent on the House also to inquire into the use which they had made of the powers entrusted to them, before they gave them more. In the years 1799 and 1800, the encroachments made on the property and freedom of the subject in order to arm them with power, had been unexampled; and yet, what had they done with this power? Every object of the war had been frustrated. Every expedition they had undertaken had been attended with discomfiture. The expedition to Holland had been marked by imbecility in the contrivance, as well as criminal delay in the execution. If it had been asked, where 50,000 men, entrusted to ministers, could be placed most for the advantage and benefit of the enemy? It would have been answered, "Instead of attacking France in her own territory, which she dreads, send them to Holland, or some other dependency, and fritter them away in an unhealthy climate, at a season unfavourable to military operations." Just so had they acted; and yet the same persons called again for confidence! The noble earl, after declaring that he could not bring his mind to give support to men who had proved themselves so unfit for the situations that they filled concluded with moving an Amendment, as follows:—"And that this House will proceed with all possible dispatch to make such inquiries into the general state of the nation, but more especially into the conduct of the war, and into our relations with foreign powers, as shall enable us to offer to his majesty such advice as we may think most conducive to the honour of his crown, and the general interests of his people.—And further, to assure his majesty, that if, owing to any unjust and unreasonable pretensions on the part of the enemy, peace cannot be obtained on such terms as are consistent with security; if the representations which his majesty has directed to be made to the court of Petersburgh, in consequence of the outrages committed against the ships, property, and persons of his subjects, have not received that reparation which the nature of the case requires; and if the differences which appear unhappily to have arisen between his majesty and the other Northern powers, are of a nature which presses for immediate decision, and the impossibility of any equitable adjustment renders new and more extended wars inevitable, we will give his majesty every support which the means of the country can afford; in the just hope and confidence that his majesty's paternal care for the welfare of his people will induce him to take such measures as shall prevent henceforward a calamitous waste of their remaining strength and resources, either by improvident and ineffectual projects, or by general negligence and profusion; and shall ensure a wise and vigorous administration of their affairs, under the unexampled difficulties in which they are now involved."

The Earl of *Suffolk* seconded the amendment. He arraigned all our late expeditions, as being deficient in wisdom, vigour, and promptitude; by which the skill and courage of our troops had been

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wasted, and our arms disgraced. He accused ministers of having artfully determined not to employ a noble earl in an expedition for the same reason that Thugut had not employed the archduke Charles, because they were afraid that by his eminent talents he would have given peace to the nation. The noble earl said it was understood that most important topics of discussion were coming on with respect to the establishments of these kingdoms; and it was believed that there were also discussions in another place respecting his majesty's foreign dominions, in all of which the heir apparent was most deeply concerned. Was his consent obtained? Was he called to the cabinet on these subjects? He should feel it his duty to impeach ministers if they proceeded in these things without the consent of his royal highness. There were other most important points, on which, in the event of failure, he should think it his duty to impeach them: the sending 30,000 men to Egypt, and elsewhere, and leaving this country without an adequate defence; the refusal of ministers to negociate; and the unfortunate letter of a noble secretary, which would have disgraced a school-boy, was another strong ground of impeachment. The violation of the treaty for the evacuation of Egypt, so wisely made, was another ground. And all our series of military expeditions was another. Upon all these he should think it his duty to call ministers to account.

The Duke of *Athol* rejoiced in the union, which he doubted not, would produce all the benefits which a noble duke had foretold.—He could not say that his ancestors had supported the union with Scotland; but he was sure, if they were alive now, they would confess that they had been mistaken as to its operation. He objected to the amendment, because it tended to repress the energies of the nation, at a moment when we ought to be unanimous in our exertions.

The Earl of *Romney* was of opinion that Buonaparté was not sincere in his offer to treat for peace; and that our ministers had acted wisely in the course they had taken. The present prospect, he owned, was gloomy; but he would not encourage a desponding idea; for our maritime power depended on the principle which the northern confederacy threatened to overturn.

The Earl of *Darnley* said, he did not despair of the ability of the country; for he was convinced that it was still capable of resisting the world in arms; but to give full effect to its energies, an inquiry into some recent transactions was necessary. The present ministers had obtained a confidence on the part of parliament and the people, unexampled in our history. How had they had used it? Was it in the expeditions to Holland and Ferrol, or in their conduct with respect to the treaty of El-Arisch, that we were to look for a justification of that confidence? Were we to look for it in their treatment of our allies and the neutral powers? The maxim of the Romans was, "parcere subjectis, debellare superbos;" our ministers inverted this maxim; theirs was, "parcere superbis, debellare subjectos." Russia had been permitted, in the first instance, to insult us with impunity; but the moment a weaker power advanced a pretension, an ambassador was sent to negociate at the cannon's mouth, and yet the negotiation terminated without any adjustment of the point in dispute. Ministers asserted, that the northern confederacy was established on the basis of the neutral treaty of 1780. This, however, did not appear to be the fact from count Bernstoff's official note to our ambassador; and they themselves did not think so; otherwise, without the most manifest pusillanimity, they must also declare war against the king of Prussia, who was a party to that treaty, and who had likewise acceded to that now entered into by the Northern powers.

Earl *Spencer* said, that with respect to the amendment, the noble earl who had moved it appeared to think, that before the strength of the country was exerted, it would be proper to go into an inquiry; that, from the nature of it, must go back through the events of a long period, and involve much difficulty, and this before any decision was come to upon a point which the noble mover himself admitted it was both right should be done, and was the duty of the House to do. This proper act, and this duty, were however to be postponed for an inquiry which must thwart and be injurious to the safety of the country. His majesty's ministers had indeed, as had been stated, enjoyed the confidence of the country—a confidence for which they were grateful. Was the present, however, the time to withdraw from them that confidence? What were the motives urged for so doing? Because the expeditions which administration had

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thought necessary to fit out, every one that had been fitted out during the last two years had failed! He denied the truth of this assertion, and particularly as it related to the expedition to Holland. If an inquiry could, on such a subject, be fairly gone into, he was confident it would turn out highly creditable to his majesty's government. Their lordships would, he was satisfied, pause before they pronounced such a censure. They would recollect, that it was impossible to carry on an offensive war without such expeditions Of the expedition against Ferrol, even those who held that it had failed of success, had not ventured to say that it had produced any disaster. With respect to the Cadiz one, it could hardly be deemed blameable in administration, that they were ignorant of the plague prevailing in that particular part, as the expedition had been undertaken long before the fact was known. He should be happy to meet any inquiry on these heads; but he felt confident that the impression occasioned by their lordships coming to such a resolution, would produce worse effects than could be compensated for by any advantage that could be derived from it. The noble mover of the amendment thought that ministers had acted wrong with respect to the advice which they were supposed to have given to our allies. Turning to our conduct to neutrals, his lordship declared that he rather felt a wish that some sort of inquiry should be instituted as to the justice of the conduct which government had adopted. On this head he had supposed that but one opinion would have been entertained. The situation of this country was such, that it was essential to its existence to preserve uninjured the rights of belligerent powers at sea; when it was seen, therefore, that engagements were entered into by powers in violent hostility with this country, no doubt could be entertained but that such engagements were to be considered as acts of hostility against us. His majesty had, in his speech, given an opening to the northern powers to enter into explanations. When, some short time ago, his majesty had sent to Copenhagen, had his ministers then refused to listen to the overtures made to them by that court—had they employed the means of strength which were in their hands,—they might perhaps have been charged with wantonly provoking war. It would appear, however, that, in the course of that transaction, the British government had acted with proper temper, and had not considered what they could, but only what it was essential for them to enforce. With regard to the negotiation with France, his majesty had in his speech stated, that it would afford him the most heartfelt satisfaction, whenever the disposition of the enemy should enable him, to restore to his subjects the blessings of peace. That declaration, his lordship trusted, would be fully sufficient to convince the world of the disposition of his majesty on that head. He deprecated an inquiry on this point, as, in the event of negotiation, it would be attended with disadvantages, and, in the alternative of continuing the war, would produce no beneficial effects. The noble earl concluded with an encomium on the navy, of which he was happy to have heard so much said in commendation.

The Earl of *Carnarvon* said, that it had not been his intention to trouble their lordships on the terms of the address, as he did not think the House was called upon at this moment to pledge their confidence to his majesty's ministers, nor precipitately to declare them unworthy of it. I should have been more satisfied (said the noble earl) if, on the present occasion, we had confined ourselves to simple expressions of loyalty, and to the strongest assurances, that we considered the dignity, honor, and safety of his majesty's person and crown, as involving our most valuable interests, and that we should exert ourselves to the utmost in their support; but the present discussion has produced doctrines the most unconstitutional and dangerous at all times, but in the present calamitous moment destructive even of hope. We have heard a speech from the throne which invokes our astonishment and regret without distinctly explaining their cause; a speech which announces the desertion of friends and allies, and their conversion into enemies, without specifying the nations or their motives; we have heard from the throne that disrespect has been shown to our sovereign by a nation with whom we were last year in amity and alliance; we have heard these awful facts with all the "astonishment and regret" so naturally expected of us; and yet it is with additional surprise that I learn from members of the government, in whose administration of public affairs all these events have taken place, that it is our duty to hear them

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with stupid and ignorant astonishment, to exhaust ourselves in terms of rash indignation, and prepare for blind vengeance: there is unquestionably ample matter, and well calculated to create our astonishment and regret; but surely it is not a just statement of our parliamentary duty, to represent these things not only as affording no necessary ground for inquiry, but to state inquiry itself under these circumstances of ignorance as dangerous. Are we seriously to be told that under the administration of the same men the nation may fall from the highest situation of exaltation and hope in which we stood last year, to the lowest state of despondency, under which this imperial parliament meets, and yet that we owe nothing but astonishment and regret to our country, and blind confidence to his majesty's ministers; that we are to plunge, at their desire into a war with our old friends and allies, without inquiry into the cause, or its justice. Last year we saw this nation, surrounded by friends and allies, pursuing one common cause successfully, against a common enemy; and the desirable object of an honourable peace, almost at our command; and now we are suddenly deserted by our friends and allies, and become the object of their enmity, and hostility; and placed at the eve of an alarming war with all the world, without a friend or ally, and without the most distant hope of peace. We have nothing but the assurances of government, and the confidence which ministers appear to have in themselves, on which to repose, and on which to deliver up the remaining resources of an almost exhausted country. I do not mean to impute blame to ministers; it is within the possible range of human events, that all these calamities, which surround us, may have been inevitable; and inquiries may lead us to reasonable hope, that from the wisdom of his majesty's ministers, these hitherto inevitable evils may be still averted; but surely this is a most forcible argument for inquiry. I hear it laid down by the supporters of government, that the claims of the Russians, Swedes, and Danes, as neutral nations, are so unreasonable, and so contrary to the unvaried practice and immutable principles of the law of nations, and so obviously rooted in the hostile and ungenerous wish to destroy the naval importance of this country engaged in contest for their benefit, that it requires no investigation to prove it, and admits no better proof to establish the injustice, than the claim itself. If I comment on this observation from the information I derive from the uncertain materials above stated, I am obliged to say that I have great doubt on the subject: waving, for the moment, the question of the real and true cause of ill-will and enmity between our former allies and us, which may be very different from the grounds of the quarrel which is made the subject of ostensible rupture; waving this subject of inquiry, I cannot but think that the justice of the ostensible quarrel, is not so clearly with us, as to preclude the necessity of examination, before we plunge into a war; for if it be true, that the refusal of Russia, to suffer their ships to be searched for goods contraband in time of war, is in part grounded on the objection, that we have by treaty, for certain commercial advantages ceded to us, relinquished to one nation, our right of searching the ships of such contracting nation, during our warfare (with France for instance) and thereby authorized such nation, freely, and without interruption from us, to supply France with warlike ammunition: I should feel no difficulty in saying, that such single exception by treaty, destroys our right to search the ships, or impede the commerce of any nation with France, in similar articles, notwithstanding our warfare: for our right is founded in nothing, but a natural right arising from the necessity imposed on us (by a state of war), to defend ourselves from destruction, and consequently of considering, as an enemy, that nation, who enables our foe to maintain his hostilities against us. The law of nature dictating self-defence imposes it so equally on all nations, that it has been acquiesced in by the law of all nations; and the only difficulty which has ever arisen is to ascertain with precision, on what belligerent situation this necessity attaches, and requires of all neutral nations to submit their commerce naturally independant to such necessary shackles. The moment we admit by a treaty with some one nation that the nature of our warfare with France does not put us into a situation in which the freedom of neutral commerce is incompatible with our defence against our enemies, such admission necessarily deprives us of the only ground on which we could claim the right of interfering amicably with the commerce of independant nations. Nothing less than the law of na-

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ture, and as such become the law of nations, namely, the inalienable right of self-preservation, could amicably vest in us the right over independent commerce, and it is a contradiction in terms to say that it gives this right over one nation more than over another; it is unalienable and universal, and arises from the existence of a given situation in which it is necessary to our self-preservation. The act of converting it into commercial advantages from some one nation by treaty, is an admission, that it is not necessary to self-preservation, and consequently not due from any nation: for the state of warfare does not give to us a right to sell licences to trade with our enemies to neutral nations; or to give a preference in such trade to a favoured nation. It would be an act of direct hostility against the nation whose commerce was thus partially impeded and would thereby put an end to any question respecting neutrality. I state this, not as knowing that it makes part of the present question, but as collecting from vague report, that the facts which might give ground to this reasoning have taken place, and in that case I cannot admit that the justice of the supposed dispute is so clear, as to be willing, without examination, to plunge in a war on the subject.

Lord *Grenville* said, that the House was not now called upon to inquire what was the previous cause of the quarrel between England and Russia, because the latter was bound by previous treaty not to act in the manner in which she had acted, with relation to British ships and merchandize, even in the event of hostilities between the two countries. The House was called upon to say, whether it would maintain his majesty in his just rights. He considered any difference of opinion on this subject impossible. With respect to the coalition into which Denmark and Sweden had entered in 1780, it was inconsistent, not only with the law of nations, but with particular treaties entered into by those very powers. When this convention was entered into in 1780, the country was in considerable difficulties; but, on receiving the intelligence of this coalition, our answer was, that the practice we should pursue was that which had been settled by treaties with these powers. It might be asked, perhaps, what would be the harm of now acquiescing in the demands of the northern confederacy? The harm would be, that we should again have to discuss the point at a moment when we might be less able to do it with success. All forbearance, it might be seen had been of no effect, when edicts, conventions, and treaties had been found to be of none. Denmark and Sweden had concluded treaties expressly in recognition of these rights; but it was evident, that they waited only for the moment, when, from the embarrassments of this country our navy might be in a weaker state. If we are again to temporize on the subject, it is certain that the question will be revived at that moment when the northern powers may consider us, as most embarrassed—that it will be revived when it may be supported by our common enemies, France and Spain. That man must be extremely sanguine, who imagines that the naval power of France and Spain will ever be less able to assist that of Denmark and Sweden. The relative situation of France and Spain, was never so much reduced as at present. He was astonished at hearing noble lords, after avowing their ignorance on the subject, while they had such an authority to refer to on the case as the judge who presided in the Admiralty court, speaking in opposition to these points. It was the first time he heard a doubt expressed on the subject, or opinions entertained, that a special agreement with one power, was a renunciation of the right as to other powers. Those who supposed this to be the case, might satisfy themselves, by a reference to the instructions given by the American government to their ministers in France. If the ancient law was reverted to, the case was the same. The renewal of the treaty of 1780 was a breach of neutrality, since it was not merely an assertion of principles, but an engagement to impose them upon Great Britain by force. If the question were of slight importance, he should, under such circumstances, hesitate; but in a point of such magnitude, it was still more necessary to do so. The inquiry which the noble earl wished to promote, seemed to stand on the same footing as every other question of the same kind. On the one hand, it was to be considered what were the grounds for it; and on the other, what was the danger attendant upon it. It was to be taken into contemplation, how far it would be wise at present to interrupt the measures for the prosecution of the war, in order to carry on those for the inquiry. It had been said, that parliament

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had reposed a confidence, and that, therefore, the inquiry was necessary. But, had not the vessel of the state been preserved? A comparison of our situation with that of the proudest monarchy in Europe would show this. We were, indeed, supporting great burthens, but we were supporting them with increased means. Ministers were called upon by their opponents to prove this, not by the general situation of the country, but by the general result of the war; and this at a moment when those who called for that proof, admitted that the confidence which had been reposed in the naval administration was fully justified. Was it nothing to have gone through eight years war with such success—to have beaten the enemy at the mouth of their own harbours? If we were called upon to give an account of the war with France, the first question would be—What had been our naval success? To this the answer was readily furnished; and it was not less triumphantly so to the second question—What colonies had we lost? To the successes which the answers to these questions would state, what is opposed?—The Dutch expedition? True it is, that it failed in overthrowing the government; but it had succeeded in the important point of rescuing from that government the Dutch navy. The result of such an inquiry would leave no doubt that it was well planned, and well directed. It had failed in consequence of two circumstances; first, the season which, owing to an unavoidable delay of six weeks, became too advanced for our success; and secondly, the unhappy reverse which befel the arms of our allies, till that moment successful, and which enabled the enemy to detach a larger force from Switzerland and its neighbourhood, than could otherwise have been spared. Of the expeditions to Ferrol and Cadiz, we have been told that it was very imprudent to attack them, and thus to irritate Spain; but Spain, it should be remembered, was our enemy, was a naval power, and allied with our inveterate enemy, France. To weaken it, was to weaken France itself. It should be remembered, that some Spanish ships were already in Brest, and that more might be carried there. Another noble lord had called upon ministers for the reason why they had not attacked France itself. Such a measure had formerly been combated by the very side of the House which now advanced it. If, on former occasions, this objection to it had any weight, it must be considered as having had much more force last year. But in the expeditions against Ferrol and Cadiz we did not succeed, and from the language of the noble lord, it might be supposed that some great evil had befallen us. These expeditions were, in fact, planned with such a design, that, if they were successful, the advantages resulting from them would be important; but if they were otherwise, it would soon be perceived, and the attempt might be abandoned without loss. Was the House prepared to censure the adoption of such plans? Was it prepared to say, that ministers were never to undertake any enterprise but when they were sure of success? Would it be proper to expose the men at the head of affairs to the stigma and disgust of such an inquiry? It was undoubtedly the duty of the House to enter into inquiries, but never upon such light grounds as those which had been now advanced. He asserted the ability of England to continue the war unassisted by any allies, at the same time adverting to the pledge given in his majesty's speech of his disposition to peace.

The Earl of *Moira* said, he should vote for the amendment, because he thought the going up with the address was by far the most dignified way of assuring his majesty of the determination of that House to support his majesty, by the most vigorous exertions on their parts, against all his enemies. The people of England wished them to see that they were in earnest in their assurances of support, and would draw the happiest prospects from such an address. No man was more ready to do justice to the extraordinary merits of our fleets, officers, and sailors; no man felt more satisfaction than he had done, upon hearing of each of our naval victories; but he trusted that gallantry and enterprise were not more the characteristic of our naval officers than those of the military, to which he belonged. They were as ready to risk their lives in the service of their country as any set of men whatever; but they had been placed in an invidious situation by the misconduct of ministers, who were, in his judgment, highly culpable for not having properly applied the large military force that was on foot. That alone was a necessary subject of inquiry, as well as a number of other very important events in the management of the war. He did not distinctly collect

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from his majesty's Speech what was the cause of the approaching hostilities with Russia and the northern powers. That was of too much importance to be suffered to be matter of guess work. But the necessity of an inquiry into the past was apparent, on a variety of different grounds. How came it that the war was commenced by this country in a confederacy with all the powers against France, and we now found ourselves in the strange situation of having that very confederacy combined with France against us? Where was Austria now? And how came it that Russia, our magnanimous ally was converted into our inveterate enemy? The noble secretary had said, that it was a glorious result of the war, that they were enabled to be sitting at that time in that House. Good God! was it a glorious event that they were not annihilated? If the enemy had made their threatened invasion, did the noble secretary imagine that there was a single lord in that House who would have been dismayed? In that case, the military would have convinced the invader what British soldiers were, and would have made them repent of their rashness. His lordship concluded by declaring, that, for the reasons which he had stated, he would vote for the amendment.

Lord *Mulgrave* rescued the military from the imputation, that they had not been afforded any opportunities of distinguishing themselves; and asked, if the success of the expeditions to the West Indies had escaped notice, and whether the glorious achievements in the east had dropped from their lordships memory? He concluded with declaring that he should support the address.

The Earl of *Fife* declared, that he could no longer give his support to ministers. He thought they had abused the confidence they had received. They had well nigh ruined the continent of Europe by their advice, and would infallibly ruin the British empire, if they persevered in their system. He deplored the state of scarcity to which we were reduced, and thought it was less to be ascribed to the dispensations of Providence than to the consequences of the war. He had risen to discharge his conscience, by thus declaring his sentiments of the men, whom he had, in common with other peers, so long and so improvidently supported.

Lord *Eldon* began with saying, that he could not answer it to his conscience, or to his country, were he not to give his vote upon the present occasion; and he felt it equally his duty to state shortly his reasons for the vote he should give. The situation of the country was awful in the highest degree. Upon the conduct that we now should adopt, depended the present interests and the future existence of the empire. His lordship then took a review of the question now agitated by the northern powers against this country, and proved from the law of nations, that the right of searching neutral vessels originated in the rights of nature, and that no convention or treaty could permanently destroy that right. It was interwoven, in fact, with the right of self-defence; for, if a power professing to be neutral, conveyed the means of annoyance to an open enemy, that neutral nation did in fact, by furnishing the means of our destruction, become our active enemy. He then adverted to an authority that had been very favourably mentioned in that House, and to which he might naturally be supposed to be partial; but he knew that the character alluded to had not formed his opinion upon this question, till after the most mature deliberation—till after he had read every thing written upon the subject, that existed in Europe. The person of whom he spoke was of all men the most open to conviction, and the most likely to forego an opinion which could be proved to him to be erroneously formed; but upon this important subject he could say, that the more he thought upon it, the more he was convinced of the solidity of the right which this country asserted, and for which we were now likely to contend; that the decision which was given in the case of the Swedish convoy, was founded upon the strict principles of the law of nations; and that that decision was not a decision for this country only, but upon broad and general principles. The right for which we now contend, is not a right established for this country only, but for all nations equally circumstanced as we are. His lordship then expatiated upon the importance of asserting this right, as the foundation of our naval glory, our commerce, and our wealth. Two great evils presented themselves to our choice (for he would admit, that a new war, circumstanced as this country now was, was a very great evil); but of two evils it was always best to chose the least. War, with all its inconveniences and horrors, was surely preferable to the voluntary sacri-

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fice of that, without which the glory the independence, and even the existence of the nation must be extinct.

Lord *Holland* imputed the untoward events of the war to the mismanagement of ministers. He did not expect them to foresee events beforehand; but they ought to have had foresight enough to be able to provide an adequate force to prevent any of the disasters that had happened. He discussed, at some length, the conduct of ministers, with respect to their treatment of our allies, and said that it was the sole cause of the alarming confederacy against us.

The House then divided: For the amendment 17. Against it 73. Majority 56. The Address was then carried without a division.

List of the Minority.

Duke of Norfolk	Earl Cowper
Bedford	Moira
Marquis of Donnegal	Darnley
Earl of Derby	Buckinghamshire
Fitzwilliam	Albemarle
Thanet	Scarborough
Suffolk	Viscount Say and Sele
Besborough	
Oxford	Lord Holland

The King's Answer to the Lords' Address.] To the address of the Lords his Majesty returned this answer:

"My Lords,

"I thank you for this very loyal and dutiful address. Your conduct on this important occasion has realized the just expectations which I had entertained of the wisdom and firmness of the parliament of my United Kingdom, and has afforded to all Europe a new proof, that we possess both the determination, and the means of maintaining, against every aggression, those essential interests and long established rights, on which depend both our security and our honour."

Debate in the Commons on the Address of Thanks.] After the Speech had been read from the chair.

Sir *W. W. Wynn* rose. He professed how very unequal he was to the task of doing justice to the various topics referred to in his majesty's speech, and intreated the indulgence of the House, trusting that it would consider rather the matter than the manner of what he had to advance. The occasion upon which he had the happiness of proposing to return thanks to his majesty for his gracious communication, was one of the deepest importance to the country; it was the first meeting of the united parliament of the two kingdoms mutually imparting their own peculiar advantages to each other. The blessings derived from their political union might be appreciated by the manner in which that union had been received by those who were to be affected by it. The advantages likely to result from it had been so ably stated when the measure was under consideration, that it would be presumption in him to repeat them; but he could not refrain expressing how highly gratifying it was to him to find the tranquillity, not only of the city of Dublin, but of the country in general, was restored by the operation of the measure. It was his firm hope that the harmony and union now established between the two kingdoms would be consolidated; that all petty distinctions and jealousies between the two countries would be obliterated, and that every gentleman would consider himself bound, without partiality, to legislate for the general welfare of the United Kingdom.—He lamented sincerely the unfortunate events on the Continent alluded to in his majesty's speech; regretted that the endeavours of the enemy should have succeeded in frustrating the earnest desire of his majesty to attain the blessings of peace, and expressed a full confidence that the House would assure his majesty of its determination to enable his majesty to preserve that national pre-eminence to which the commercial greatness and prosperity of the country was chiefly to be attributed.—He could not too deeply lament the groundless attack of one of the Northern powers upon the ships, property, and persons of his majesty's subjects, not only in defiance of the general rights of nations, but of a late treaty between his majesty and the emperor of Russia, by which it was stipulated that, in case of a rupture between the two powers time should be allowed to the subjects of each nation for the removal of themselves and their property. He trusted the House would assure his majesty of its just concern at the attempts of the confederated powers of the north of Europe, to overturn the maritime ascendancy of the country, and the grateful sense it entertained towards his majesty for having resisted those attempts.—Adverting to the proceedings of the committee relative to the high price of provisions, he lamented their efforts had not been successful in reducing

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the extravagant price of grain, whilst at the same time every praise, he said, ought to be given to the committee for their exertions. The conduct of the people likewise in bearing, with the utmost patience, the greatest privations deserved the warmest applause.—He felt the utmost confidence, that, as soon as his majesty could obtain a peace, he would embrace the opportunity, though little was to be hoped from the disposition of the present ruler of France. In the event of a continuation of the contest, he felt, in our maritime greatness, the superiority of our navy, the extent of our commerce and agriculture, aided by the energy of that kingdom for which the parliament was now for the first time met to legislate; that we could have but little to apprehend from the efforts of the enemy. Under such favourable circumstances, he looked forward to the termination of a lasting and honourable peace. He concluded by moving an address to his majesty, the terms of which were an echo of his majesty's speech.

Mr. *Cornwallis*, after hoping he should experience the usual liberality of the House, adverted to the subject of the Union. He said, when a union with Scotland was in contemplation, queen Anne was anxious it might take effect in her reign, and when completed, she declared she considered it as the happiest event of that reign. How much greater, then, must be the happiness of our present most gracious sovereign, at completing an union with Ireland, when all the hopes of benefit which it had been foretold would result from the union with Scotland had been realized, and were not in this case held forth as uncertain speculations, but as certain and happy effects which must inevitably result from a union with Ireland. He should not attempt to discuss its various and extensive advantages; they had been already ably stated by gentlemen of the first abilities, and he entertained the most sanguine hopes, that the expectations which had been formed of them, would be fulfilled. About the time of the union with Scotland, great jealousies had subsisted between the two parliaments; but this was not the case between the two parliaments of Great Britain and Ireland. Nor was it the least advantage resulting from that union, that the deliberations of that House would be ably and frequently assisted by gentlemen of talents and parliamentary knowledge, and possessed of a very considerable portion of information, the more useful on account of its locality. He doubted not that the cordial co-operation of the talents, the ability, and the information of the united kingdom, concentrated in one point, and directed to one object, would render Great Britain triumphant over every danger. To give full effect to the Union, many measures naturally consecutive upon it, would no doubt be from time to time adopted. To heal divisions, it was to be desired that nothing consistent with the full security of the Protestant religion in Ireland should be omitted. It would be presumption in him to expatiate upon the numerous and obvious advantages resulting from the Union with Ireland, one, however, forcibly struck him, and he therefore could not help noticing it; he alluded to the quantity of waste land Ireland had hitherto contained, which there would now be every encouragement to cultivate, and from the produce of which it might be justly hoped the country would be saved from all further expense attendant on the importation of corn; as such a measure would then become unnecessary, and the money appropriated to that purpose would serve to enrich the united kingdom, instead of turning the balance of trade against it.—He said it would ill-become him, possessed of so little experience, to expatiate upon the contest in which this country was at present engaged with the northern powers, but he would observe, that every thing dear to us was involved in an independent commerce, which could only be preserved by a naval superiority. With respect to the subject of peace, he conceived that every effort had been made to obtain that desirable blessing consistent with the national honour, but they had been invariably disappointed by the gigantic ambition of France; he trusted, therefore, the contest would be continued until the same cause ceased to operate, and peace could be obtained upon terms honourable to the country. He concluded by seconding the address.

Mr. *Grey* said:—The present aspect of affairs in this country is calculated to inspire so much doubt and apprehension with regard to its future fortunes, that I confess, Sir, that I came down to the House this day with feelings of considerable anxiety, to hear what were the measures to be proposed to avert or to meet the dangers with which we are threat-

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ened. My feelings, indeed, were not those of unmanly dismay and despondency. I was open to topics of consolation, and to arguments of hope. The speech which has been read from the chair, and the views of the hon. mover and seconder of the address upon it, have not tended to remove my fears. I cannot pass from apprehension to confidence on the grounds which have been laid before us. I cannot banish the uneasiness under which I labour, when I find no prospect held out of a change in that ruinous system of policy, which in following with such obstinate perseverance, has reduced us to the state of distress and calamity in which we are placed. Still less do I discover any cheering prospect, or any reason to flatter ourselves that our distresses are likely to come to a termination, when we are told that with regard to peace the same dispositions by which ministers have hitherto been actuated, continue to govern their conduct. Can we doubt what those dispositions are? Have we not year after year, been amused with the same declarations? Have not such professions been advanced in almost every stage of the contest, merely to reconcile men to its prolongation, and to obtain new means for its support? In such dispositions I can find no ground of confidence or consolation. It was by implicitly assenting to these declarations that the nation had so long been doomed to the scourge of war, and has been plunged into the new perils by which its safety is endangered. —I agree with the hon. mover and seconder, that it would be better to avoid every topic of debate unconnected with the points on which we are immediately called upon to deliberate. The matter presented to us in the address proposed, is indeed sufficiently extensive. In that view, however, the hon. gentleman might have passed over one principal topic of their observations—the benefits of which the Union is calculated to produce to every part of the empire. From that argument I should likewise have been disposed to abstain; but, lest any inference which I am anxious to obviate should be deduced from my silence, I allow it to be understood that I have renounced the sentiments which I expressed when the Union was under our deliberation. Having disapproved of that measure in every stage, I cannot suffer it to be inferred that I recant my opinions. My sentiments remain unaltered, that the best way of consolidating a sincere and cordial connexion, of obtaining a union of heart and affection, a permanent, solid, inviolable community of interests, was by adhering to the principle of the settlement of 1782. I have seen nothing to render a deviation from that basis necessary, nothing to which a faithful application of its principle was inadequate, either as a remedy for past abuses, or a preventive against future dangers. The evils for which the Union has been adopted as an infallible cure, were not the fruits of Irish independence, but the fatal effects of a mischievous system pursued by those who hated that independence, and proscribed it as incompatible with their schemes of administration. But we are told of the wonders which the Union has already wrought! Ireland is quiet. But may it be permitted to ask, is this the quiet which results from affection. Has that quiet been followed by a relaxation of that severe policy, of which Ireland has so long been the victim? Are we to be called upon to repeal those vexatious laws, of which so many of its inhabitants still complain? Are we invited to extend the privilege of the constitution to those who hitherto have been excluded from the enjoyment of them? If, indeed, those jealous restrictions to which the Catholic inhabitants of Ireland are still subjected, were to be removed, a freer and happier state, compared with the irksome and degrading situation in which they had previously lived, might be considered both as an evidence of improvement, and a pledge for real tranquillity. But this is not the case. Ireland was quiet; the rebellion was extinguished before the Union; Ireland was quiet for a year after the Union was rejected: but these circumstances were not received as proofs that the country was out of danger, and that security was restored. Why, then, should it be inferred that the Union has produced the quiet which now exists? and upon what data is it that so many benefits are said to have been realised? The experiment is but just begun; many obstacles to the full completion of the measure are admitted, and must be provided for; practice will discover many more; and a considerable period must elapse before the success of the measure can be ascertained. — So much for the benefits that have been ascribed to the union of Great Britain and Ireland. I should indeed have augured more favour-

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ably of that Union, had I found that the speech from the throne contained a recommendation (as it was reported it would do) to consider of taking off those disabilities to which the Catholics of Ireland are subject. The surest means of incorporating the two countries, and cementing their connexion, would be, to extend to all in common the blessings of the constitution. A large and liberal policy might do much. But I regret to see that no such measure is hinted at. There was, even in the speech of the hon. seconder, a phrase which excited, in my mind, a considerable degree of jealousy. The hon. gentleman alluded to what might be consistent with the security of the Protestant religion. When I consider, however, the construction which has often been put on these words, I feel some suspicion that those measures of liberality and justice towards the Catholics of Ireland, which were expected as the fruits of a legislative union, are yet far from being realised.

The next point to which the Speech and the Address refer is, the melancholy prospect of a war against almost all Europe confederated against us. Both the hon. mover and seconder classed the differences between this country and Denmark and Sweden, with the disagreements which have arisen between Great Britain and Russia. These disputes, however, I conceive to be totally distinct. I beg to be understood as decidedly of opinion, that Russia has been guilty of the grossest violence and injustice towards this country, in the confiscation of the property of our merchants, and in the treatment of our sailors. The injuries we have thus suffered demand satisfaction and reparation. Nevertheless, though I cannot acquit the emperor of Russia of the charges of violence and injustice, it does not follow that ministers are free from blame. They may have given ground of offence, though that offence could never justify the conduct which Paul has exhibited. The emperor of Russia accuses the ministers of this country of having violated a convention, by which he was to receive the island of Malta as the reward of his co-operation against France. Does such a convention actually exist? I am disposed to believe that ministers could not have been guilty of the violation of an express stipulation into which they had entered. Yet the charge furnishes ground of inquiry. I cannot help thinking, that, as the motive of the confederacy, or the encouragement of its prosecution, some reciprocal stipulations of mutual benefit may have existed. What these were, it is fit matter for the House to examine, before it determines that the rupture with Paul was occasioned by no misconduct on the part of ministers. Nay, I will go farther, and say, that ministers, apprized of the character of Paul, and acquainted with the views which the politicians of Petersburgh entertained of the interests of their country, ought to have made some sacrifices, if they could have succeeded in conciliating the friendship, and securing the co-operation of the Russian empire. Last session, I recollect, when the prospect of a rupture with Russia was first mentioned, a right hon. gentleman opposite said, that Malta had no connexion with that affair. In the proclamation of the emperor of Russia, however, an assertion directly contrary is advanced. If, then, it had been possible, by the cession of Malta, or any other port in the Mediterranean, to satisfy the ambition and to secure the assistance of Russia, would it not have been the true policy of this country to pursue that course? Ministers have often told us of the balance of Europe. But where does it consist? Who are its guardians and supports? France, which it was the object of ministers to limit and control, has extended her acquisitions beyond what the most ambitious of her former rulers had projected. Austria has been so ruined by pursuing the counsels of the ministers of this country, that she has ceased to be an adequate counterpoise to the republic. It might have been politic, therefore, to bring a new power into the Mediterranean, to oppose the aggrandizement of France; a power that would have been naturally united in alliance under common interest with this country, against the ambition of the republic. Such would Russia have been; and it would have been no less easy than advantageous to gratify the wishes of the Emperor. These are considerations of policy which ministers, aware on the one hand of the benefits that might have been derived from the Russian alliance, and the evils that might result from its hostility, ought duly to have weighed. But whatever blame may be imputed to ministers, it cannot be any justification of the violence committed upon the property and the persons of the subjects of Great Britain.

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We now have to examine what is the nature of the dispute between this country and the other northern powers, Denmark and Sweden; and though the Speech is silent as to Prussia, I am authorized to assert, that Prussia is equally engaged in those measures which have been considered as hostile to this country. These powers have, along with Russia, subscribed a convention, the professed object of which is, to secure their commerce against the vexations to which it has been subject. I am not here to give any opinion respecting the confederacy; but I conceive it highly necessary to warn the House against the precipitate conclusion, that the agreement entered into among the Northern powers, is in its nature so decidedly hostile to this country, as to justify measures of open war. From all the examination I have bestowed upon this subject, I have not been able to discover either in writers upon the law of nations, in treaties, or the practice of states, any law or practice universally acknowledged, of the nature of that which the Northern powers dispute, and the denial of which ministers consider as tantamount to a declaration of hostility. It has been asserted, that the claims advanced by the Northern powers were never heard of till the American war. This assertion, however, is utterly destitute of foundation. In 1740, the king of Prussia disputed the pretensions of this country on the same grounds as the famous armed neutrality assumes, and contended as strenuously for the principle, that free bottoms make free goods. In 1762, the Dutch resisted the claim of right to search vessels under convoy. This, too, they did at a period when, from the naval and military strength of this country, flushed with the glories of a successful war, it was little to be expected that any insult or injury would be passed over with impunity. In 1780, however, the assertion of the rights of neutrals, frequently the subject of controversy in different wars, assumed a greater degree of consistency and concert. The armed confederacy was entered into, and its principles announced officially by the subscribers to all the powers of Europe. They claimed the rights enumerated in that famous document, as agreeable to the law and practice of nations. Let us examine the question then with impartiality; let us inquire whether there be not some great leading principle by which the claims may be tried and determined. Such a principle will be found, and it is the principle of justice. Can our pretensions stand the test of this criterion? The more I have read, the more I have observed of the conduct of societies and of men, the more am I convinced that true policy can never be incompatible with justice. Adherence to this grand principle, it is, that constitutes the difference between an enlightened statesman, and a tricking, shuffling politician. As the conduct of states to each other ought to be guided by the principle of justice, it follows that whatever advantages might be supposed to accrue from the rights for which this country contends, they ought to be given up if they cannot he shown to be just. Even though they could be asserted and maintained by successful war, unless they were just, the enjoyment of them could never be secured. Any temporary acknowledgment of them, dictated by superior force, could never compensate the disadvantage of confirming the hatred of other states, of rendering their animosity inveterate, and sowing the seeds of future confederacies, whenever the embarrassments and difficulties of this country presented the prospect of establishing the disputed claim. Our naval ascendancy, indeed, ought for ever to be carefully preserved; as the source of its glory, and the bulwark of its safety; but sorry should I be that the maintenance of that distinction should depend upon any claim inconsistent with the interest of other independent nations: sorry should I be, if, to preserve the rights and interests of the British nation, we should be compelled to abandon the rules and maxims of justice, in which alone are to be found true and permanent greatness—true and permanent security.

This view of the subject, however, it is chiefly necessary in this stage to consider, to prevent any rash conclusion respecting a transaction, the true character of which ought to be fully investigated, before it becomes the ground and justification of an appeal to arms. But, without insisting farther on this point, there are other aspects in which the question deserves to be examined. If it be necessary to prove that the claim is just, it is no less necessary to prove that it is really valuable. On this head I shall remind the House of a saying of a late great and distinguished member of this House:—"As you ought not to go to war for a profitable wrong, so neither ought you to go to war for an unpro-

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fitable right?" It is of the first importance, therefore, to ascertain whether the claim is supported by its utility. The maritime ascendancy of Great Britain is of inestimable value; but let us inquire, whether this claim, so odious to our neighbours, is essential to its existence? Let the advantage, nay, the necessity of the privilege be clearly demonstrated, before we engage in a universal war for its defence, and purchase it at the price of blood.—Admitting, however, that the right were just and useful, circumstances might be conceived which would justify and demand a relaxation in the rigour of its exercise. A right in itself useful and valuable may not be equally important at every period. There may be occasions when the infringement of it would be productive of no inconvenience, and the assertion attended with imminent danger. In being exercised with moderation at such periods, the right is secured and confirmed; in being pushed to extremity, it may become so grievous as to be shaken off for ever. Suppose even, that at the present moment the admission of the claims of the Northern powers had enabled them to supply France with many articles necessary to the equipment of her fleets, what would have been the inconveniences resulting from it? France, destitute of seamen, her fleets without discipline, not merely destitute of ships, but of every thing that constitutes a navy, what advantage could she have obtained from the supply of a few naval stores? What would have been the importance of a numerical addition to her marine, without the nerves and sinews of naval greatness? In 1780, by the principles of the armed neutrality, the right of entering places blockaded is distinctly abandoned. What is understood as a place blockaded is clearly explained. A place blockaded, is that into which, from the arrangement and distribution of the ships blockading, it is dangerous to enter. At the present moment, thanks to the ability with which the blockade of the enemies' ports is conducted by the skill of our naval commanders, the enemy could derive little benefit from an extension of the privileges of neutrals. But granting that all these facilities were permitted to France, could she, without seamen, skill or discipline, establish formidable navies? Could she in a twelvemonth almost double her fleet? But what is the consequence of carrying the dispute with the Northern powers to extremities? Do not we in a moment double her marine, and supply her with experienced sailors? Do not the hostile navies of Europe, to use a military phrase, outflank us on every side, from Archangel to the Tagus? Does not France, therefore, acquire new means of annoying us, by our forcing the Northern powers to make common cause with her? Not merely does the enemy increase his opportunities of attack, while he divides our means of resistance, but by these measures we do not possess a single friendly port in Europe. Naples cannot, in the present state of affairs in Italy, be considered as open to us. Turkey and Portugal, by the growing preponderance of our foes, cannot be considered as points of contact on which we can long rely. Consider, then, with increased force, the advantages for attack which this extended line of coast presents! Will it not require all the activity, vigilance, and skill, of our navy to ward off attacks menaced on so many points? When we consider the difficulty of guarding against the projects of the shattered and subdued navy of France, how much will the difficulty be increased when we find so many new enemies to resist?

We shall be told, however, that our superior navy will destroy the enemies' trade. But is not trade necessary to us too? Is not commerce the basis on which our revenue, our strength, our naval dominion, and our national greatness are founded? And, if our commerce is excluded from every quarter in Europe—if every market is shut against us—what is to become of the invaluable sources of our splendor and security? While successful in destroying the trade of our enemies, we lose our own. Nor is it merely in being deprived of a market for our commodities that we must suffer. We must be cut off from the supply of naval stores; and though it may be supposed that other countries could furnish that supply, it could not be depended on, either as a permanent supply, nor rendered available for the necessities of the present moment. But, independent of naval stores, an article for which we are in so great a degree dependent on the Northern nations, can we forget how important, in the present distressed and starving situation of the country, is the supply that might be obtained from the Baltic? Is it overlooked how much the menacing aspect of affairs in that quarter has contributed to disap-

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point the expectation of supply, and to increase the difficulties under which the public groans? Will you, without farther inquiry, risk the total disappointment of all the aid that might have been received from the North?

But it may be admitted, that all this might be true; but, our honour being attacked, it must be vindicated, cost what it may. It then comes to be considered, whether the dispute might, with prudence and address, have been altogether avoided? Have ministers provoked, by their misconduct, the resentment and jealousy of the Northern powers? The suspicion is not without probability. Call to mind their attempts, in violation of the law of nations, to compel neutral nations to declare against France. Call to mind their injurious conduct to Genoa, to the grand duke of Tuscany. It has been said, that the late resolutions of the Northern powers were provoked by the vexatious proceedings exercised towards them. Instead, however, of countenancing any undue violence, or any grievous irregularity, the greatest care should have been employed to prevent any abuse without conceding the right. Instructions to our cruizers on the subject of neutrals, would have been sufficient to obviate many complaints. Little or no inconvenience could have arisen, though the enemy might, from a lenient exercise of our rights, have obtained occasional supplies to a small extent. Nay, the old instructions to our naval commanders would have prevented many grounds of complaint, had they never been exceeded. It is evident, that by them our naval officers did not conceive themselves entitled to seize and detain neutral vessels under convoy, as appeared from commodore Lawford requiring new instructions before he brought in the Swedish convoy. This moderating policy, which, secured by tempering the exercise of these rights, was that which the earl of Chatham observed in that glorious war which he conducted against France. A testimony of high authority to the principles which guided that administration, is to be found on record. It is that of lord Camden, who states, that the policy of lord Chatham's administration, in regard to neutrals, was, to act with caution and good temper, to prevent the enemy obtaining supplies of naval and military stores, which he considered sufficient, but to attend to the complaints of neutrals, and give them speedy redress.

Still it may be said, that on the present occasion the pretensions of neutrals appeared in a different shape: it was impossible for ministers to shut their eyes to the confederacy of the northern powers, and that it became necessary either to assert or abandon the rights. The question, however, again recurs, Was the convention agreed upon by the northern powers essentially hostile to us? Surely it is necessary to see this, before the House can sanction a conclusion so pregnant with fatal consequences. All that we at present know is, that the late treaty is founded upon the armed neutrality of 1780. In consequence of the accession of Sweden and Denmark to that treaty, not only has an embargo been laid on their vessels, but orders have been given, and carried into effect, to seize on the open seas the vessels of those powers; thus we have committed acts of open hostility against them. Is the House satisfied, that a convention on the basis of the armed neutrality is tantamount to a declaration of war? Lord North's administration was never accused, because the pretensions of the northern powers were then evaded. The conduct of that administration, though in other respects not very popular, was never attacked by the opposition as pusilanimous or impolitic in waving a discussion of the claim. At that period the right hon. gentleman opposite, then a young man, animated by all the fire of patriotism, never thought of arraigning lord North as the betrayer of his country's rights, because he did not drive matters to extremity! Nay, the pretensions of the armed neutrality have been sanctioned by various acts of subsequent administrations. It is certain, that under the administration of the marquis of Rockingham, formed immediately on the dismissal of lord North, a right hon. friend of mine, then in office (Mr. Fox) made a proposal to the Dutch four-and-twenty hours after he had received the seals, in which the principles of the armed neutrality were offered to be conceded to the states: and this too was done, not so much in the expectation of detaching Holland from the alliance of France, as of giving satisfaction to the northern powers. In the peace of 1783, the question of the armed neutrality is wholly omitted, and for this omission, the administration, of which the right hon. gentleman then formed a part, claimed credit. In the commercial treaty with France

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some years after, the points contended for by the northern powers were settled as between this country and France. This adjustment was considered as of great importance in the confirmation of the principle. Nay, so much was this felt, that the count de Vergennes, as is well known, in a dispatch to the court of Russia, took great merit to himself for having obtained such a sanction to the principle so much contested. In 1793 a provisional treaty was negotiated by lord St. Helen's with Russia, in which great countenance was likewise given to the principles of the armed neutrality. That treaty re-enacted most of the articles of a preceding treaty in 1761, and that was founded on a previous one in 1734; in all of which, articles, contraband of war were greatly restricted, and confined to actual implements of hostility, and not to the material. This happened so late as 1793; and yet, in 1800, the signing of a treaty on that basis, so often tacitly yielded, or specifically sanctioned, is considered as a demonstration of a hostile mind equivalent to a declaration of war. Surely, after these circumstances, the House will demand some explanation, before voting, that a confederacy on the principle of the armed neutrality is ground enough of hostile operations on our part.

Two answers, I am aware, may be attempted to these observations:—one (which is hinted at in the Speech from the throne), that this confederacy has been agreed upon by Denmark and Sweden in conjunction with Russia; the latter power at the time acting in a hostile manner against this country; the second, that at the end of the American war, the difficulties of our situation justified an acquiescence which now would have no excuse. The principle universally admitted by all publicists, that it is just to attack a power in the course of preparation with a hostile intention, will not bear out the conclusion against Denmark and Sweden in this instance. The ground of quarrel with Russia is different from that of the other powers; consequently no inference can be drawn, that Denmark and Sweden act with hostile views. Nay, the signature of conventions with belligerents, when for purposes different from those for which war is carried on, it is acknowledged, affords no just cause of war. —With respect to our weakness at the end of the American war, it is true, that our fleets are not as then obliged to avoid the superior naval force of the enemy. It is true that in many points our situation in regard to military affairs, is not such as it was in 1781 and 1782; but, nevertheless, there are circumstances in our internal state which all men must feel, and which forcibly inculcate a lesson of moderation. These at least furnish sufficient ground for inquiry, before entering upon a new war with all the powers of Europe. Even were our resources unimpaired, our strength unbroken, prudence would require a cautious and sober course in a matter so extremely important. But with what greater circumspection ought we to proceed, when this new contest finds us at the end of eight years of the most expensive war in which we were ever engaged? With what additional prudence ought we to act, when we reflect to whom the conduct of the war is to be entrusted? Ministers call on us to depute them to defend, with all the means of the state, the national honour now attacked. But have ministers never come to us before, to call for the national force to maintain the national honour? And what has been the consequence? Are our rights secured? Are our privileges defended? What have their promises and their vaunts produced? Loss, mortification, defeat, dishonour. They told us that the national honour was concerned in the defence of Holland; and Holland has been conquered by France. They told us that the renunciation of Belgium must be a *sine quâ non* in any peace; yet they have offered to acknowledge Belgium as an integral part of the republic. They told us, that it was necessary to limit the aggrandizement of France; and France has been aggrandized beyond the dreams of her former projectors! Yet, amidst this disappointment of every prospect, this defeat of every enterprise, they will tell us, with the most callous audacity, that we have reached the acme of success; and that we have waged the most glorious war in which this country was ever engaged. If, then, engaging in a new war against all Europe, in league with France against us, we should entrust ministers with the task of enforcing the disputed right, what have we to expect, but that, after much tedious and disastrous contest, they will at last agree to abandon the claim? But even that concession might not afterwards be sufficient. It is the fate of all their undertakings, that their defeat, in the maintenance of one

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claim, enables the enemy not merely to succeed in the struggle, but to insist upon new demands. Ministers told us, last year, to pause before we made peace. Is it unreasonable, in these circumstances, to ask you to pause before you enter upon a new war? Before voting new levies, and new taxes, to support this confederacy of all Europe against us, is it not fair to call ministers to account for the policy which has produced this extraordinary confederacy? Last year some gentlemen, to prove the hostile character of the French government, enumerated a catalogue of the nations, with which the republic had been at war. The consequences deduced, I thought, pushed too far; but there might be some foundation for the inference that there must be something hostile in the character of a government that had been involved in such extensive warfare. Is it no presumption of misconduct in ministers, then, that we find ourselves at war with all the world? At the beginning of the French revolution all the kingdoms of Europe felt a certain alarm, which prepared the way for future hostility. But what has produced that alienation towards Great Britain? What has given rise to so much jealousy against us? How have the nations of Europe been compelled to forget their jealousy of the republic, and to confederate with her against us? Does not this argue some deadly provocation, or some inveterate malignity? And do not all these circumstances demonstrate the necessity, and enforce the duty of inquiry before proceeding further in this business?

But there are other points connected with this which more strongly display this impolicy of the present ministers. The confederacy exists; war is actually begun. And could all these operations be the work of a day? If ministers knew that the confederacy was to be apprehended, why did they refuse Buonaparté's overtures, since so much was to be apprehended from the alliance between France and the northern powers in case of the continuance of the war? If they did not know, what claims have they to the character of vigilance? What title have they to confidence? Were there not symptoms of discontent in the north? Had not complaints been made? Had not the Swedish government condemned the officer to death for not making resistance? Was not the doctrine of free bottoms making free goods always maintained by Prussia, in every discussion? Every thing, therefore, indicated an accumulating pressure in the prosecution of the war, at the moment when ministers were employing every art and intrigue to effect its continuance. —I have mentioned Prussia as a party in the confederacy; and mark the singularity of the conduct of ministers in regard to this power. They tell us, that the national honour must be vindicated against the attacks of Denmark and Sweden. Why not against Prussia, an undisputed partner in the crime? Why, but because Prussia is strong, and Denmark and Sweden are weak; why, but because it is thought that Prussia has means of retaliation, and Denmark and Sweden are without means of defence! Behold how sacred the honour of the nation is in the hands of ministers! See them haughty to the little, and submissive to the mighty. This is their vindication of the national honour! This the magnanimous conduct of these high-spirited ministers!

And again it may be asked, did not ministers foresee the confederacy last summer, when they refused a separate negotiation, when our alliances on the continent were about to be dissolved? But they pleaded the good faith engaged to our ally, at a time, however, when it is well understood that our ally did not require an adherence to an engagement which had ceased to be of any advantage. Not only did they refuse the offer on the pretence of engagement with an ally, but, "as spectators" they advised the Emperor to refuse to treat separately. Their advice was received, and their intrigues succeeded. And what has been the consequence? Austria has perished! Perished not merely in physical resources, in the diminution of territory, but in that which is far more important, in that which constitutes the essence of a state, perished in dauntless spirit, in national character; armies not merely defeated, but their courage subdued; a people not merely exhausted of their means, but bending under the ascendant of the victor. Perhaps of the Austrians it may be said, as at the beginning of the war it was said (but certainly not in the spirit of prophecy) of the French, "Austriacos olim bello floruisse audivimus." Austria is become a blank in the system of Europe. When she may recover the spirit she has lost, and resume her rank, I will not predict; but among the calamities of this war it may be remarked, that, when exerting

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such pecuniary efforts for the Austrians, our aid was received rather as a curse than a kindness; and the sense of the calamities in which our policy has involved them, has left an impression on the minds of the people of that country most unfavourable to Great Britain. She too, instigated by their feelings, may accede to the confederacy against us.

With respect to the refusal to treat with Buonaparté, and the subject of peace, I shall reserve what I have to say till the subject is brought forward for separate discussion, as I trust it will speedily be by an hon. friend of mine (Mr. Sheridan). But what is our situation now, compared with what it was when offers were formerly made? We refused to treat, when supported by Austria, still unexhausted (now she must have concluded a separate peace), when the new government of France was struggling under financial difficulties, and the discouragement of an unsuccessful campaign, when it was desirous to establish its reputation either by peace or victory, and I am convinced was sincerely disposed to pacification. In every one of these circumstances our situation is changed for the worse; and now we are told, that ministers are ready to treat whenever the enemy show a more favourable disposition to peace. And what is the amount of this declaration, but that, though we refused to treat with France in distress and without allies, we may treat with her recovered in her armies, recruited in her finances, and strengthened by the alliance of all the northern powers?—As to our internal situation, I shall take notice but of one or two circumstances. The power of France and her confederates being now so formidable, new measures of internal defence will be requisite. Here again we have to lament the misconduct of ministers. Four years ago, on the alarm of hostile attack, a military force was raised for the public defence. It was raised for that object alone. Where is it now? It has been dissipated and destroyed in the prosecution of the disgraceful expeditions in which ministers have embarked. Part have been wasted in the fatal descent upon Holland; part have mouldered away in the holds of transports; and the rest, after being driven about from Portsmouth to Belleisle, from Belleisle to Ferrol, from Ferrol to Cadiz, are, last of all, to perish in the burning sands of Egypt. When we consider the manner in which our means have hitherto been squandered, what hope of success can we entertain from arming ministers with new force? What has followed from all their ridiculous expeditions (which might afford matter for mirth, were it not for the serious calamities which they involve) but disgrace and disaster? Yet, after all this, a right hon. gentleman will tell us, that he is callous to these charges. Fortitude, under personal misfortune, is a temper of mind deserving of admiration; but to be insensible to the calamities of others, to be unmoved at the idea of the distress of families, the misery of the widow and the orphan, the husband and the father sacrificed without honour to themselves, or advantage to their country; surely to be callous to these things, argues nothing of which a feeling mind can boast. Having alluded to Egypt, I must express a hope that the subject will again be brought under discussion; and whenever it is, I pledge myself to prove, that it is owing to the bad faith of ministers that Egypt was not evacuated by the enemy. To their impolicy and breach of faith are the French indebted for the possession of Egypt.

On the subject of the scarcity, I shall only observe, that I approve of the pledges that are given for the prosecution of the inquiries into the causes and the remedies of that calamity; and, complicated as the subject is, I beg leave to suggest the propriety of carrying on the investigations in a select committee into those causes which cannot be so advantageously pursued in a general committee.—In the critical and difficult situation in which we now stand, it will repuire all the vigour and resources of the nation to carry it through in safety. The view that I have exhibited is calculated not to discourage, but to rouse. In order to extricate us from our present embarrassment, it is necessary to appreciate the extent of the danger. Much may be done by vigour, activity, and perseverance, under a better system of policy. Our resources, though diminished, are still great, and, with economy and integrity, in opposition to profusion and corruption, they may be employed with effect to any purpose of national defence, or national enterprise. The credit of the country must be restored by a return to the old principles on which it was founded, and on which it flourished. The public spirit, hitherto misdirected, or dormant, would again animate and support every under-

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taking. Peace, however, peace, consistent with the honour and interests of the country, is the great object to the attainment of which our efforts should first be directed; and in the enjoyment of that blessing, in the exercise of their industry and their commerce, and animated by their former spirit of liberty, the people of this country might then recover that happiness and prosperity by which they had been peculiarly distinguished. But, is it possible to expect that these benefits can be derived from the present administration, who have been no less unsuccessful in the conduct of war, than in the negotiation of peace. I have addressed the House, on the supposition that hitherto they have supported ministers, in the conviction that they merited confidence, and that their measures were wise. If, however, they condemn in private what they sanction in public; if they censure in conversation those miscarriages which they screen from inquiry by their votes; if they see the marks of the errors and misconduct of ministers every where traced in characters of blood and desolation, how can they reconcile the support of such an administration to any sentiments of honour, conscience, or duty? It has often been said, and the observation was sanctioned by the authority of Mr. Burke, that the minority in the House spoke the sense of the majority out of it; and to this ministers yielded. Their own accounts of the negotiations of Paris and Lisle confirm these surmises. If, however, the House reflect on the pause of last year recommended by ministers, if they feel the consequences of that fatal delusion, I conjure them, by what has been lost, and by what is still at stake, to make the public interest the ground of their vote.—Mr. Grey concluded with moving to leave out from the words "to assure his majesty that" to the end of the question, in order to insert these words; "this House will proceed with all possible dispatch to make such enquiry into the general state of the nation, but more especially into our relations with foreign powers, as may enable us to offer to his majesty such advice as we may think most conducive to the honour of his crown, and to the general interests of his dominions:—And further to assure his majesty, that if, owing to any unjust and unreasonable pretensions on the part of the enemy, peace cannot be obtained on such grounds as are consistent with our security; and the differences which appear unhappily to have arisen between his majesty and the northern powers, are of a nature which press for immediate decision, if the representation which his majesty has directed to be made to the court of Petersburgh, in consequence of the outrages committed against the ships, property, and persons of his majesty's subjects, should not be effectual in obtaining such reparation as the nature of the case shall require, and the impossibility of any equitable adjustment, shall render a new and more extended war inevitable, we will give his majesty every support which the means of the country can afford, in the just hope and confidence that his majesty's paternal care for the welfare of his people, will induce him to take such measures as shall henceforward prevent a calamitous waste of their remaining strength and resources, by improvident and ineffectual projects, or by general negligence and profusion; and shall secure a wise and vigorous administration of their affairs, under the unexampled difficulties in which they are involved."

Mr. *Pitt* said:—Sir, in rising to make some observations upon what has fallen from the hon. gentleman, I cannot avoid noticing a curious proposition which he advanced in the early part of his speech, and which he repeated towards the conclusion of it, but with less confidence, namely, that the minority in this House, in point of fact, speak the sense of the majority of the people. Upon what ground the hon. gentleman has made that assertion, I am utterly incapable of guessing; but if it be true, every one of those great and honourable efforts by which, in the course of nine years, we have secured the independence and exalted the character of this country, which have enabled us to withstand the dangers and vicissitudes of this most arduous contest, which have afforded the means of security to Europe, at the same time that they have hitherto saved this country from the calamities which have visited almost all the rest of the globe—if, I say, the hon. gentleman's proposition be true, then all these noble efforts have been made for nine years, not only without the consent, but against the opinion of a majority of this House and of this country. Before the hon. gentleman can establish that proposition, he must convince the majority that they ought now to act in direct opposition to every principle upon which their con-

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duct has hitherto been founded; and I confess I do not expect that he will succeed in such an attempt. I do not believe there are any among us who sat in this House in the last session of parliament, who do not recollect the discussions which took place upon every subject which the hon. gentleman has commented upon in his speech, (except one, which forms the more immediate question before the House, and to which I shall come by-and-by);—I do not believe, I say, that any of these gentlemen can lightly forget the opinions which they formed, and the principles upon which they acted. I do not believe, Sir (being one of those who think as highly as my hon. friends who moved and seconded the motion for the address, of that important measure which has consolidated the strength of the empire), that these hon. gentlemen whom we have this day, for the first time, the happiness of seeing among us, will disappoint the sanguine expectations that we formed of benefits to result from that important event. I am sure they have brought with them the same zeal, and the same principles which have supported us against an host of enemies. These gentlemen have had, in another place, the severe duty imposed upon them of contending with Jacobinism on their own soil, and I am sure they would not wish to infuse that timidity into us, the least mixture of which would have been certain ruin to them. Whatever may be the confident language which the hon. gentleman may think proper to use upon this occasion, I cannot but believe that the present is a proper time for the discussion of that great and important question which is prepared for us by events, which we could not control, but which we must meet.

The hon. gentleman has, in the course of his speech, introduced several topics, which he says, have been frequently discussed before, and which he expresses his hope will again be investigated. Upon both these grounds, I am not disposed to trouble the House at length, upon any of these subjects, at present. There is, indeed, but one new question before the House, I mean that which has been announced to us in the Speech from the throne, respecting our differences with the Northern powers. Sir, I must confess that the manner in which the hon. gentleman has treated every part of this subject, has really filled me with astonishment, both when I consider the general plan of his speech, and the particular statements into which he went in support of his argument. The hon. gentleman thought it right, in the first place, to express his doubts of the justice of our claim with respect to neutral vessels; and in the next place (which appeared to me fully as singular) to question the importance of the point now at issue. But though the hon. gentleman seemed disposed to entertain doubts on points upon which I believe there is hardly another man to be found in this country who would hesitate for a moment, yet there were other points upon which his mind appeared to be free from doubt, and his opinions completely made up. If, after a full discussion of this question, it should appear that the claim which this country has made is founded on the clearest and most indisputable justice—if it should be proved that our greatness, nay, our very existence as a nation, and every thing that has raised us to the exalted situation which we hold, depends upon our possessing and exercising this—if, I say, all this should be proved in the most satisfactory manner, still the hon. gentleman is prepared seriously to declare in this House, that such are the circumstances in which we stand, that we ought publicly and explicitly to state to the world that we are unequal to the contest, and that we must quietly give up for ever an unquestionable right, and one upon which not only our character, but our very existence as a maritime power depends. This is the conduct which the hon. gentleman advises us to pursue at once, without determining, without investigating, whether it is compatible with our safety. I really find much difficulty, Sir, in reconciling this language to that sort of spirit which the hon. gentleman talks of in another part of his speech, in which he says, he is far from wishing to make the country despond.—[Mr. Grey here said across the table, that he had been misunderstood.]—Sir, I am stating what the hon. gentleman said, and I shall be happy to find that he did not mean what he said.

I shall now, Sir, endeavour to follow the hon. gentleman through his argument, as far as I can recollect it, upon the important question of the Northern confederacy. In following the order which he took, I must begin with his doubts, and end with his certainties; and I cannot avoid observing, that the hon. gentleman was singularly unfortunate upon this sub-

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ject, for he entertained doubts where there was not the slightest ground for hesitation; and he contrives to make up his mind to absolute certainty, upon points in which both argument and fact are decidedly against him. That part of the question upon which the hon. gentleman appears to be involved in doubt, is with respect to the justice of our claim in regard to neutral vessels. In commenting upon this part of the subject, the hon. gentleman gave us a lesson in politics, which is more remarkable for its soundness than its novelty, viz. that a nation ought not to enforce a claim that is not founded in justice, and that nothing would be found to be consistent with true policy that was not conformable to strict justice. I thought, however, I heard the hon. gentleman in another part of his speech, where he was arguing the question of the expediency and propriety of our negociating a separate peace with France, contend that no consideration of good faith to Austria ought to prevent us from entering into such a negotiation.—[Mr. Grey said, he had not laid that down as a principle, but merely with respect to the circumstances under which we stood with regard to Austria.]—I am glad to hear the hon. gentleman contradict me, but I certainly understood him to say so. I am also glad to find, that when the issue of fact is found against him, he has no demurrer in reserve upon the principle. Upon the justice, however, of our claim, the hon. gentleman states himself to be wholly in doubt. There is, Sir, in general, a degree of modesty in doubting, that conciliates very much, and a man is seldom inclined to bear hard upon an antagonist whose attack dose not exceed the limits of a doubt. But, Sir, when a gentleman doubts that which has been indisputably established for more than a century—when he doubts that which has been an acknowledged principle of law in all the tribunals of the kingdom, which are alone competent to decide upon the subject, and which parliament has constantly known them to act upon—when he doubts principles which the ablest and wisest statesmen have uniformly adopted—I say, Sir, the doubt that calls in question principles so established, without offering the slightest grounds for so doing, shows a great deal of that pert presumption which, as often as modesty, leads to scepticism. I wish to ask every gentleman in the House whether it has not been always known that such was the principle upon which our courts were acting from the commencement of the present war up to the moment that I am speaking? I ask whether that principle has not been maintained in every war? Let me at the same time ask, whether, in the course of the speeches of the gentleman on the other side of the House, any one topic of alarm has been omitted, which either fact could furnish or ingenuity supply? I believe I shall not be answered in the negative, and yet I believe I may safely assert, that it never occurred to any one member to increase the difficulties of the country by stating a doubt upon the question of right; and it will be a most singular circumstance, that the hon. gentleman and his friends should only have begun to doubt when our enemies are ready to begin to combat. But though I have heard doubts expressed upon a subject on which it appeared to me that a doubt could hardly have entered the mind of an Englishman, I have not heard one word to show on what ground there can exist a doubt upon the justice of our claim—a claim which, until this House decides the contrary, I shall consider as part of the law of the land; for I consider the maritime law, and the law of nations, as acted upon in our courts, to be part of the law of the land. I speak in the presence of some learned gentlemen who are conversant in the practice of the courts to which I allude, and who, I am sure, will contradict me if I state that which is incorrect. I ask any of these learned gentlemen, whether they would suffer the principle upon which our claim rests, to be called in question in any of their courts? But when we come to consider this question as applying to the contest in which we may be engaged, there are so many considerations that are decisive upon the subject, that I am really convinced by the manner in which the hon. gentleman treated it, that his doubts have all arisen from his not having looked into the question.

There are two ways in which this subject is to be conisdered; the first is, what has been the general law of nations upon this subject, independent of any particular treaties which may have been made? The next is, how far any precise treaties affect it, with regard to the particular powers who are the objects of the present dispute? With respect to the law of nations, I know that the principle upon which we are now acting, and for

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which I am now contending, has been universally admitted and acted upon, except in cases where it has been restrained or modified by particular treaties between different states. And here I must observe, that the hon. gentleman has fallen into the same error which constitutes the great fallacy in the reasoning of the advocates for the Northern powers, namely, that every exception from the general law by a particular treaty, proves the law to be as it is stated in that treaty; whereas the very circumstance of making an exception by treaty, proves what the general law of nations would be if no such treaty were made to modify or alter it. The hon. gentleman alludes to the treaty made between this country and France in 1787, known by the name of the Commercial treaty. In that treaty it certainly was stipulated, that in the event of Great Britain being engaged in a war, and France being neutral, she should have the advantage now claimed, and vice versa; but the hon. gentleman confesses that he recollects that the very same objection was made at that time, and was fully answered, and that it was clearly proved, that no part of our stipulation in that treaty tended to a dereliction of the principle for which we are now contending. Besides, when it is considered how far the interests of this country can be implicated in a naval war in which France is neutral, it will not afford any proof either that we considered the principle as unimportant, or that we gave it up. I could, without in the slightest degree weakening the cause which I am endeavouring to support, give to the hon. gentleman all the benefit he can possibly derive from the commercial treaty with France, and from particular treaties with other states, and I should be glad to know what advantage he could derive from such an admission, If he could show treaties with any given number of states, still, if there were any state in Europe with whom no such treaty was in existence, with that state the law of nations, such as I am now contending for, must be in full force. Still more, it will be allowed to me, that if there is any nation that has forborne to be a party of these treaties, that maintained this principle and has enforced its rights; in such a case, no inference that can be drawn from treaties with other powers, can have any weight. The utmost the hon. gentleman could argue, and even in that I do not think he would be founded in justice, would be this—that, if there was no general consent with respect to the principles, particular treaties ought to serve as a guide in other cases. But what will the hon. gentleman say, if, instead of my stating an imaginary case, I give to him this short answer, that with every one of the three Northern powers with whom we are at present in dispute, independent of the law of nations, of our uniform practice, and of the opinions of our courts, we have the strict letter of engagements by which they are bound to us?—What will he say, if I show, that their present conduct to us is as much a violation of positive treaties with us, as it is of the law of nations? With respect to Denmark and Sweden, nobody here, I am sure, has to learn that the treaties of 1661 and 1670 are now in full force, and nobody can read those treaties without seeing that the right of carrying enemies' property is completely given up. With regard to Russia, the right of this country never was given by us. It undoubtedly was very much discussed during the time that the treaty of commerce with Russia was negociating; but I will not rest my argument upon negative evidence. In the convention signed between Great Britain and Russia at the commencement of the present war, the latter bound herself not merely to observe this principle by a convention (not done away, unless we have unjustly commenced hostilities against her), but she engaged to use her efforts to prevent neutral powers from protecting the commerce of France on the seas or in the ports of France. Laying aside, then, every other ground upon which I contend that the principle I am now maintaining is supported, still I say, that the treaties with these three powers, Russia, Sweden, and Denmark, are now in full force, and I ask, whether it is possible to suggest any one ground, upon which it can be contended that these powers are released from their engagements to us? So much for the justice of the claim.

I will not, Sir, take up much more of the time of the House, because there will be papers laid before the House which will place the subject in a clearer point of view. than can be done in the course of a debate:—but I must say, that with regard to these powers the case does not stop here. What will the hon. gentleman say if I show him, that in the course of the present war, both Denmark and Sweden have distinctly expressed their readiness to agree in that very principle against

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which they are disposed to contend, and that they made acknowledgments to us for not carrying the claim so far as Russia was disposed to carry it? What will the hon. gentleman say, if I show him that Sweden, who in 1780 agreed to the armed neutrality, has since then been at war herself, and then acted upon a principle directly contary to that which she agreed to in 1780, and to that upon which she is now disposed to act? In the war between Sweden and Russia, the former distinctly acted upon that very principle for which we are now contending. What will the hon. gentleman say, if I show him that in the last autumn, Denmark, with her fleets and arsenals at our mercy entered into a solemn pledge not again to send vessels with convoy, until the principle was settled; and that, notwithstanding this solemn pledge, this state has entered into a new convention, similar to that which was agreed to in 1780? One of the engagements of that treaty is, that its stipulations are to be maintained by force of arms. Here then is a nation bound to us by treaty, and who has recently engaged not even to send a convoy until the point should be determined, that tells us she has entered into an engagement, by which she is bound to support that principle by force of arms. Is this, or is it not, war? Is it not that which, if we had not heard the hon. gentleman this night, would lead a man to think be insulted an Englishman by questioning his feelings upon the subject? But, Sir, when all these circumstances are accompanied by armaments, prepared at a period of the year when they think they have time for preparation without being exposed to our navy, his majesty informs you, that these courts have avowed the principles of the treaty of 1780, known by the name of the Armed Neutrality; but then the hon. gentleman says, "we do not know the precise terms of the present treaty, and therefore we ought to take no steps until we are completely apprized of its contents." It is true, we do not know the exact terms of the treaty; but I should think if we demand to know, whether they have made engagements which we consider as hostile to our interests, and they tell us they have, but do not tell us what exceptions are made in our favour, we are not, I should think, bound to guess them, or to give them credit for them until they are shown to us. How far would the hon. gentleman push his argument? Will he say, that we ought to wait quietly for the treaty, that we ought to take no step, until we have read it paragraph by paragraph, and that then we should acknowledge to those powers that we are now dispirited, and not prepared to dispute the point? Does he mean that we should give them time to assemble all their forces, and enable them to produce something like a substitute for the fallen navy of France? Is this the conduct which the hon. gentleman would recommend to the adoption of this country? Are we to wait till we see the article itself, until we see the seal to the contract of our destruction, before we take any means to insure our defence?

Sir, I come now to the question of expedience, and upon this part of the subject the hon. gentleman is not so much in doubt. The question is, whether we are to permit the navy of our enemy to be supplied and recruited—whether we are to suffer blockaded forts to be furnished with warlike stores and provisions—whether we are to suffer neutral nations, by hoisting a flag upon a sloop, or a fishing boat, to convey the treasures of South America to the harbours of Spain, or the naval stores of the Baltic to Brest or Toulon? Are these the propositions which gentlemen mean to contend for? I really have heard no argument upon the subject, yet. [Mr. Sheridan and Dr. Laurence entered the House together, and sat down upon the opposite bench]. I suppose I shall be answered by-and-by, as I see there is an accession of new members to the confederacy, who will, I have no doubt, add to the severity and to the length of the contest. I would ask, Sir, has there been any period since we have been a naval country, in which we have not acted upon this principle? The hon. gentleman talks of the destruction of the naval power of France; but does he really believe that her marine would have been decreased to the degree that it now is, if, during the whole of the war, this very principle had not been acted upon? and if the commerce of France had not been destroyed, does he believe that, if the fraudulent system of neutrals had not, been prevented, her navy would not have been in a very different situation from that in which it now is? Does he not know that the naval preponderance, which we have by these means acquired, has given security to this country, and has more than once afforded chances for the salvation of Europe? In the wreck of the

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continent, and the disappointment of our hopes there, what has been the security of this country, but its naval preponderance? —and if that were once gone, the spirit of the country would go with it. If we had no other guide, if we had nothing else to look to but the experience of the present war, that alone proves, not the utility, but the necessity of maintaining a principle so important to the power, and even to the existence of this country. There was something rather singular in the manner in which the hon. gentleman commented upon, and argued from, the destruction of the naval power of France; he says, her marine is now so much weakened, that we may now relinquish the means by which we have so nearly destroyed it; and, at the very same moment, he holds out the terrors of an invasion of Ireland. The hon. gentleman says "We are not now as we were in 1780, shrinking from the fleets of France and Spain, in the channel:" but, if that was our only excuse for not asserting the principle in 1780, we have not now, happily for this country, the same reason for not persisting in our rights; and the question now is, whether, with increased proofs of the necessity of acting upon that principle, and with increased means of supporting it, we are for ever to give it up?

As to the necessity of making inquiries into charges which are to be exhibited against any part of the conduct of administration, and which are to be founded upon a review of their past conduct, it is announced by the hon. gentleman, that we are to have them laid before us. We shall have opportunity of discussing them abundantly: none of them touch the point which is now before us; for the amendment, as it stands, would only be embarrassed by reference to these topics. I think the amendment calculated to obstruct the proceedings of this country, on which its safety depends. Many other topics alluded to by the hon. gentleman are important, but they are so only in a secondary degree. I think the question of right in dispute between us, and the confederated powers so eminently important, that it claims the undivided attention of this House. As to what has been said on other topics, of the censures which ought to be cast on the counsel we have had any share in giving for the prosecution of the war, I have the consolation of knowing what they are likely to be, from a recollection of what they have repeatedly been, that they will most probably be put in the same way, and will admit of being answered in the same way as they have been already answered as often as they were brought forward, and, I cannot help flattering myself, with the same success. I hope also, that the public will feel, as they have repeatedly felt, that the calamities which have overspread Europe, and which have affected, to a certain degree, this country, though much less than any other, have not been owing to any defect on our part, but that we have pursued principles best calculated for the welfare of human society; the nature and effect of which have been frequently commented upon by those who have opposed and by those who have supported these principles, and with whom I have the honour to act, and still have the honour of acting; and on which I say the power, the security, the honour of this nation has depended, and which I trust the perseverance and firmness of parliament and the nation will continue while his majesty's servants discharge their duty.

Dr. *Laurence* said, the question at present was not so much whether the practice of the belligerent powers to search neutral bottoms for enemy's property was founded in right, as whether it was consistent with sound policy in the British government, circumstanced as England was, to insist upon the right at this period? He professed himself decidedly against the rashness of ministers on this occasion, and should therefore vote for the amendment. If, upon inquiry, it should appear necessary for administration to act hostilely against the northern powers, they would carry with them the sense and support of the country. If the right hon. gentleman should discard that line of policy, and pursue the ruinous system he had so long acted upon, he would give fatal evidence to the country, that eloquence and wisdom were not always concomitant; on the contrary, that a large quantity of the one implied the abuse of the other—and that a state was in a period of decline when eloquence was arrived to the highest point of perfection. Certainly, if the affairs of the nation could be improved, or the dangers which surround it be removed, by a splendid speech, the right hon. gentleman was completely competent to it. In this instance, however, either he should satisfy the House as to the necessity of increasing their dangers, or the House should refuse to sanc-

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tion his proceedings. Would it not be also prudent to look into the state of the country, before she was plunged in a new and extended warfare? The language of the hon. mover of the amendment was that of caution and circumspection, not of pusillanimity or intimidation. It was the policy of the military despot who now wielded the power of France, to conciliate the northern powers; he had been straining and distorting his navigation laws, in order to their accommodation, and had succeeded in obtaining their friendship. Should this confederacy be driven by the irritation of ministers, to unite with him, how dangerous would he become to this country! He therefore conjured the House to consider whether war could be avoided before they recommended it. He did not advise government to abandon the right of searching neutral bottoms; the right was recognised in our treaties with several other states; but let us not cut with the sword of war, the knot which connected us with those states, and all would be well again. Let us forbear for the present. In times less critical, forbearance had been the policy: it was the policy of the magnanimous Elizabeth, who claimed and exercised that right—of Charles 2nd, and of the administration of 1780. The matter could be best adjusted by negotiation: it was folly to put it to the issue of war; for, should the northern powers be forced to submit to the claims of England on this contest, they would, on the first opportunity, start the pretension again. Force could never satisfactorily decide a question of right upon a general law. The northern powers denied that there was any thing in the convention recently signed at Petersburgh contrary to existing treaties with England. So expressly declared the minister of Copenhagen. Denmark and Sweden he regarded as subject to the domineering influence of Russia. What was the nature of the convention? It embraced three points; 1st, free bottoms making free goods; 2nd, the permission to search and detain contraband goods; 3rd, the nature and difference of blockade. On the two first points various decisions had been pronounced, highly calculated to provoke and irritate the northern powers, particularly some within the last three years in the West Indies, which could not be vindicated. It was a little too much, on the mere signature of a convention for common protection, at once to commence hostilities against nations much injured by this country. Let us look to ourselves for that conduct that we demand from others. We complained of the violent arrest of our vessels by Russia, and committed an act as violent and unjustifiable toward Sweden and Denmark. Russia at the commencement of the war, resisted any commerce whatever with France by any neutral state; we interfered and moderated her pretensions; it was wise to do so: let the same spirit of moderation restrain the rashness of ministers now. The basis of that interference was to respect the treaties of neutral powers. The Dane now asserts, that his convention is in connection with, and in conformity to, his treaties with this country: let us then inquire into the truth of that assertion, before we go to war with him?—With regard to the exemption of convoys from search, the claim of the northern powers, he contended was just; as vessels of the state, they were protected from examination; the state was pledged for them; he could find no precedent, political, historical, or jucicial, to justify the pretension to search them. Suppose even all the claims of this country were clear in the abstract, was it prudent, in the present state of Europe, when France had absorbed all the smaller states, to drive Sweden and Denmark into her arms by these claims, when they were not disposed to go to war with us? What we could gain from them was not worth wishing for. Some petty islands in the West Indies, and factories in the East, which were scarce worth retaining by us: for such a purpose, he advised him not to dissipate the force of the country, which required to be concentrated against a formidable enemy. Some persons thought it was the wish of Buonaparté to conclude a peace with us: but what an excitement to continue the war would be furnished to his ambition, by provoking a contest with the northern confederacy! His great objects had been, to weaken the power of Austria, and to humble the naval ascendancy of England: the one he had completely accomplished; and what prospect would be held to him of approaching the latter, should the House encourage ministers to plunge us in a war with the maritime powers of the north! With such assistance, Buonaparté having now nothing to employ his attention but England, what consequences must not be apprehended by even the most sanguine admirers of our courage and resources! Upon every

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view of the question, he was induced to vote for the amendment.

The *Solicitor General* (sir W. Grant) said:—Sir; I completely differ from the sentiments advanced by the advocates for the amendment, and warmly approve of the conduct pursued by ministers, and recommended so strongly by the address. I think we are not in such circumstances that to hesitate would be politic or praiseworthy. In such a crisis, indeed, are we involved, as I imagined would ensure unanimity in this House to support the vital interests of the country, by sanctioning the decided measures of the government. The hon. mover of the amendment has told you, that you are in a situation of difficulty and danger, which requires vigour, exertion and promptitude; yet he proposes doubt, hesitation, and inquiry. The hon. gentleman says, "administration should cease to employ any measures of precaution, to defeat the machinations of an unjust confederacy, until my doubts are obviated." I am really amazed, when I reflect on the origin and progress of those doubts which now seem to exist respecting the question in dispute between this country and the nations of the North. Before the confederacy recently concluded between Russia, Sweden, and Denmark was actually executed, nay, the very day before it was signed, no man in this House, I am fully certain, had the subject been brought into discussion, would have uttered a doubt upon it. Then why is it declared now? Is it to apologize for those who have violated the most solemn engagements, who have entered into a convention, in defiance of the most sacred treaties and the long established law and usage of European nations, to deprive us of our indisputable and essential right? This doubt from the hon. gentleman is not, I apprehend, the effect of investigation or calm inquiry; it is merely offered as an argument against the address, and suggested by his fears—a species of reasoning that is calculated to produce indecision, to throw a damp on the spirit of the country, and to encourage the hopes of our enemies. The hesitation which he recommends would be a victory to the coalesced powers, as it would give them time and opportunity to collect and invigorate the means necessary to maintain their unjust and extraordinary pretensions. For centuries back, the right of belligerent powers to search the vessels of neutral nations and to detain the goods of an enemy, has been considered a material part of the law of nations, and has been uniformly acted upon as such by this country, unless surrendered by express stipulation with particular states. Then why, in the course of this practice, did the hon. gentleman, or his party, so assiduous in seeking for matters of complaint, neglect to mention the prudence and policy of the principle; or why bring forward their inquiry at this peculiar period, when other nations were arming to wrest the right from us by force? My learned friend seems to have much mistaken the tenor and purport of the address: he says, we should not pledge ourselves to support his majesty in a system of warfare, into which there is perhaps no absolute necessity to enter. But the address requires no such pledge from us; it merely states our readiness to cooperate with his majesty in defending our claims, should the northern powers persist in their plans of aggression. Surely my learned friend would not recommend a pusillanimous surrender of a right so essential to our existence as a maritime state, from any consideration of circumstances! Does he venture to say, that the case ever occurred in which, by act or treaty, we had abandoned the claim of searching neutral bottoms for enemy's property? Did the earl of Chatham ever shrink from asserting it? No: it was in the war which that illustrious statesman conducted, that this right was carried to its utmost extent; and the neutral nations never complained. The hon. mover has told us, that justice is policy—strange, then, that his sense of justice should have so long been dormant, in never questioning this claim, which he now conceives to be unjust. I well know that my learned friend possesses an extensive knowledge of the law of nations, and a strong feeling for the interests of this country; he therefore takes a different course from the hon. mover of the amendment—he admits the right of this country to search neutral ships for the goods of an enemy, and that the northern confederacy are contending for a principle which militates against the established laws of nations; he knows that treaties which allow an exception to this practice only serve more completely to establish the right—such was ever decreed to be the case in the fullest consideration of the subject by the ablest civilians, particularly by the late lord

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Mansfield. When we, by express stipulation, allowed such an exception in favour of Holland, it was to detach that power from France, and from a consideration that it was not very probable the Dutch would be neutral while we should be at war—then reckoning upon her as our friend, though now, more unfortunately for her own interest than for ours, she happens to be acting against us. We also granted this exception to France in the days of Charles 2nd, and, by the treaty of 1787, calculated rightly that France was not likely to be in a state of neutrality while we should be at war; but these considerations should not influence us to grant a similar privilege to the powers of the northern confederacy, because they might become the carriers of the whole commerce of our enemy. We exercised this right of maritime capture for time almost immemorial, and have continued to exercise it with the utmost moderation; certainly, when compared to the practice of France, our conduct has been highly moderate indeed. That country exercised their power in a manner not less extraordinary than unjust; they took in a two-fold point of view: they confiscated the ship of their friend, if it happened to be loaded with enemy's goods; and not merely that, but if the goods happened to be of English manufacture, or if any part of them were so, the whole ship and cargo were condemned. France then was equally severe towards the property of friends and foes—how much worse, then, have neutral powers been treated by France than by this country! Yet all the outcry is raised against England, whose pretensions are a temperate use of the general customs of belligerent powers, and a material qualification of the extravagant practices of France and Spain. But France is now an advocate for the freedom of the sea, and, to assert that freedom, has joined Denmark and Sweden, and become a leading friend to the unmolested navigation of neutral ships. Let us inquire into the causes. After the complete defeat of the French navy by lord Nelson, they recalled the neutral ships to their ports. When, then, you consider the arguments advanced in a recent publication from a celebrated Danish professor, which my learned friend has alluded to, and the intimate connexion between the destruction of the French navy, and the recall of neutral vessels to the French ports, the purpose and policy of that gentleman will be easily perceived. If you wish to defeat that policy, if you wish to prevent the restoration of their navy and commerce, you must insist upon maintaining the right of searching neutral ships. If you permit the free navigation demanded, the French will soon recruit their marine—you may destroy it again and again, they will weary you by expense. If the northern powers are suffered to furnish them with stores, they can, year after year, easily bring out fresh fleets. Should such a system be tolerated, our maritime superiority would be reduced to complete insignificance.—My learned friend made some allusions to the laws as set down by treaties between this country and Denmark and Sweden: by the existing treaties it would be fraud in them to convey enemies goods. The convention which Denmark avows to have signed, asserts that right. This, therefore, is a departure from treaty, and to all intents an act of hostility. The convention, I assert, cannot exist with the treaty. The Danish professor, to whom I have before alluded, in laying down the law, takes scarcely any notice of treaties; he relies on what he supposes the reason and equity of the case. He pretends to conceive that nations should never enter into treaty, or, if they should, that it ought not to restrain them from the assumption of a right; he pushes his opinions to nearly the amount of that maxim which Brissot and Le Brun endeavoured to establish—that the law of nature superseded all treaties. My learned friend said, the convention between the northern powers was consistent with their treaties with this country—[Dr. L. said, "No."] Then, that to enter into the confederacy was no departure from treaty [Dr. L. again said—No.]—Then he was unintelligible [a laugh.]—I shall not press this point further; but there is another part of the convention to which I wish to call your attention—it is that which allows the right of search, and confiscation of what it calls contraband goods, though the advocates of that convention contend against any search whatever. If we should consent to any modification of our rights, the next step of the powers engaged in that convention, in obedience to the advice of their philosophical friends, will be to insist that all kinds of property on board merchant ships should be protected from detention—should be free from search.

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The whole of this pretension will be most assuredly put forward; for the present distinction of contraband is artificial; there is no such distinction, correctly speaking; all articles designed for and conducive to the advantage of our enemy are inadmissible to be freely conveyed, and therefore contraband. If these preposterous distinctions are admitted, the next step will be, that we cannot take our enemy's goods—that the intercourse of merchants ought not to be interrupted. Against whom, then, are we to make war? Why, against a metaphysical being called the state, as if the state was any thing but the aggregate of the people; and we attack their property in order to reduce the resources of the state, which derives all its vigour from them. So much for the learned professor's sophistry! He compares a neutral ship to a neutral character; but how does the comparison stand? A neutral character does not interfere with you; nor do Denmark and Sweden when they remain at home; but when employed in transporting certain goods to our enemy, or in promoting their commerce, they contribute to the resources, the convenience, and accommodation of our enemies, in such a way as is injurious to our interests; and we are justified in interrupting them: the comparison therefore does not hold — it is extremely absurd. These arguments have no novelty; they have been often advanced, and as often refuted and ridiculed; but in the present day, so favourable to extravagant doctrines, they are urged with increased violence. If it is allowed, that we have a right to capture the enemy's property at all, why should that right be done away, and the property be protected, because it is inclosed in a piece of wood? Grotius did not conceive that any doubt could arise upon the interpretation of this principle. — My learned friend said, that if the northern powers had entered into a confederacy against England, they had much provocation. I do not, Sir, so well understand the principles upon which the Admiralty courts, particularly those in the colonies, generally act, therefore I will not enter into any controversy with him on that subject; but I will say, that if such cases of grievance as my learned friend mentioned had existed in the inferior courts, the parties could be redressed by an appeal to the proper tribunal, and they had the security of the British character for a strictly upright and fair decision; but whatever that decision might be, no nation would be justified in arming in consequence of the decree of an Admiralty court, without previous application to the state, by whom that court is appointed. These cases, then, can form no part of the cause which generated the present difference with the northern powers; the main purport of whose claim is to carry enemy's goods, which they have no right to do by general law or particular treaty; and it is a claim which aims at our maritime existence, and of course at our national existence also. To weaken or to destroy that maritime superiority, has long been the favourite object of French ambition; they declare that the power they have grasped will be insecure, if they cannot accomplish the destruction of your naval ascendancy.—My learned friend has called to your recollection the conduct of queen Elizabeth and of Charles 2nd, and recommends their forbearance as examples for imitation; but I can see no parallel in the circumstances. He also dwelt on the policy of our ministry in the year 1780. We now, however, feel the ill effects of that policy: a similar compromise of our rights at this period would, perhaps, expose us to some still greater evil on a future day. Had the pretension of the armed neutrality been resisted then, we should not now be disturbed by the repetition of it; but the circumstances of the country were different. It was a maxim of that celebrated statesman, John De Witt, that nothing which was palpably unjust, should, under any circumstances, be submitted to; and he was influenced by that obvious precept of common sense, that if a man endures one insult, it will be repeated again and again, until at length he may be obliged to resist, when circumstances shall render his resistance feeble and inefficient. What that great man recommended in his small state, we are now acting upon. So soon as we understand that a convention is signed which we have every reason to think hostile to our rights and interests, we have put ourselves in a posture to be prepared against the consequences; we are only guarding ourselves against the determinations we have observed: they may not push their pretensions to the extent apprehended; if so, hostilities will not ensue: at all events, let us take measures to be secure. My learned friend remarked, that a con-

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voy was not by any means subject to this right of search; the learned professor states it as a practice grown up in the two last wars, for neutral states to send out convoys to protect their trade against privateers. Reasoning on the plainest grounds, what an absurdity is it to suppose that a convoy can preclude your right of search! The faith of the state must pledge itself, that no enemy's goods are on board; the state cannot pledge that: when it grants passports, it can only take the affidavits of the parties; the captor, in his search, may find many articles not specified in these affidavits, yet the convoy is to sail uninterrupted. Consult the citizens of London, and they will tell you, that the papers the captain must have on board, and which describe the goods on board, and the destination of the ship, may enable the captor to come at particulars, seldom communicated to the state which grants the passports; therefore a convoy ought to be no protection. If my learned friend attended to the speech of my right hon. friend, he would have heard that ministers had not taken hostile measures, until an application to the northern courts had produced an explicit avowal of their purposes. That avowal to carry enemy's goods alters the case altogether relative to the protection claimed by convoys.—Having thus established the justice of our claims, and the necessity of asserting and maintaining them, I have done enough to justify me in giving my negative to the proposed amendment. But I think it necessary, before I sit down, to make some observations on the general tone and tendency of the speech by which the amendment was introduced. The hon. gentleman has disclaimed all intention of exciting despondency in the country. I am very ready to acquit him of any such intention: I trust no man can be mad or base enough to entertain it. But I must maintain, that the tendency of much of what he has said is to produce the very effect of which he thinks it necessary to disavow the design. If we are in earnest in wishing that the country may display an energy proportioned to the difficulties which it has to surmount, what is the conduct which, as rational and consistent men, we ought to hold? Ought we deliberately to endeavour to disappoint our own wishes—to lay plans for frustrating our own hopes—to labour to dishearten and disunite those on whose union and courage our safety wholly depends? And yet, is not this the preposterous course which the hon. gentleman has been pursuing? Has he not held out to our view the most gloomy pictures of our situation and resources? Has he not exaggerated every difficulty, and magnified every danger? Has he not drawn such a comparison between the power of the enemy, and that of this country, as almost to exclude the hope of a successful issue to the contest in which we are engaged? In the name of common sense, what can gentlemen propose or promise to themselves from this strange application of their eloquence? Supposing they should completely succeed in persuading the people to distrust their government, their strength, their resources, and to admire and dread the enemy with whom we have to contend; I wish to know what advance they think they will have made towards bettering our condition, towards increasing our strength, towards improving our security? What should we think of the commander of an army, who, on the eve of an engagement, should employ all his eloquence to dispirit his men—who should inculcate cowardice and propagate dismay—who, by magnifying the power of the enemy, and the danger of the conflict, should incite his troops to flight, or to submission? We should say that such conduct was the extreme of treachery or of folly. For God's sake, let no part of this community expose itself to either imputation! If we are unwilling to act a manly, let us at least act a consistent part. Let there be a correspondence between the objects we profess, and the means we employ. If we are determined to place our hopes of safety, not in the strength of our arms, but in the humility of our supplications, then these addresses to our fears, these exaggerated representations of our difficulties, have a rational aim, and may answer a salutary purpose. They may be of use in breaking down the stubborn British spirit, and reconciling it to the humiliation and disgrace to which we are prepared to submit. But let us make an election, and shape our conduct according to our choice. If our election be, as I trust it is, to fight to the last extremity in defence of our rights and our independence, do not let us, in the very moment when we are uttering our resolution, throw a doubt on its firmness and sincerity, by breaking out into wailings and lamentations on the necessity we are

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under of forming it. What confidence can we place in the wisdom or the courage of him who wastes, in lamenting his condition, that time which he ought to employ in improving it? Even if our present difficulties could be justly attributed to our past imprudence, where would be the policy of weakening the efficacy of those means, by which alone either errors or misfortunes can be repaired? Let who will direct our affairs, it is upon the spirit and the exertions of the people that our salvation must depend. And is it wise to attempt to damp that spirit, and to deaden those exertions, by representing our situation to be such as almost to render hope delusive, and exertion unavailing? Are gentlemen afraid that we shall be led, by a generous enthusiasm, to exert ourselves in the public cause, beyond what may be perfectly consistent with our individual interests? Is this so much the bent and temper of mankind, that prudent philosophers think it necessary to interpose their salutary admonitions, lest a disinterested public spirit should acquire too powerful an ascendant? Is it for this purpose that hon. gentlemen think themselves called upon, in policy and in prudence, to endeavour to draw off the attention of a large portion of the people from the dangers that threaten their country, to the evils that affect themselves? I do not see how, by depicting those evils in the gloomiest colours, we, in any way, contribute to their alleviation. I wish to God that all the upper classes of life would display the same sober fortitude that has characterised the lower orders of the community! They have real and serious evils to struggle with, and to endure. There are those who are obliged to task their imaginations for subjects of complaint, which, if they would confess the honest truth, never broke in upon one moment of their repose, or robbed them of one particle of their enjoyments. Yet, not content with giving vent to their own mock lamentations, they are angry that those who really suffer should show any degree of patience under their sufferings, and should not be ready to break out into insurrection against that government which is exerting its utmost for their relief. But, in spite of excitement and example, the British people still retain their ancient characteristics. They have not yet been prevailed upon to clamour for the ruin and disgrace of their country, under the vague and deceitful name of peace. They would not, I am persuaded, purchase a relief from the distresses of the moment, by the sacrifice of their country's honour. They would not consent to become tributaries to France, even if France should undertake to dole out to them a daily allowance of bread for the remainder of their lives. Propose that relief to them, on those terms, and, I am certain, they would refuse to sell, for a mess of pottage, the birth-right of their independence. Need I say, that, instead of obtaining relief by such a disgraceful sacrifice, they would entail upon themselves evils without number and without remedy? Need I point out to them the disastrous fate of every country which France has either seduced by fraud, or subdued by arms? No. To dissuade Englishmen from surrendering their independence, it is not necessary to detail to them the effects of its loss. It can require no effort of reasoning to induce us to spurn at the thought of bondage and subjection. Does any man say we ought to entertain the deliberation—will any man propose it as a question for consideration and debate, whether it were better to resist France, or quietly to submit to her domination? And yet, in a place where no man would bear to hear the question stated, we find representations made, and arguments employed, which tend to disable us from making that united and vigorous resistance, by which alone our existence, as a free and independent people, can be preserved. Far different is the conduct which enlightened patriotism would call upon us to pursue. What a true patriot would most apprehend, in any crisis of his country's affairs, would be, that the people might not be inspired with the ardour necessary for their own deliverance. His fear would be, that they might not have the firmness to support, with the perseverance necessary for success, a conflict of heavy expense and of long duration. This, I say, would be the fear uppermost in the mind of a real patriot; and he would exert the whole resources of his genius, to animate the courage, to sustain the fortitude, to stimulate the efforts of his countrymen. He would not bring forward and dwell upon every circumstance that could indispose them to honourable exertions, and reconcile them to disgraceful compromise. He would not exaggerate the difficulties they had to encounter, nor

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undervalue the importance of the objects for which they were to contend. He would not, indeed, embark them in useless dangers, or incite them to contend for objects of no importance; but, being thoroughly convinced of the value of the objects, and of the sufficiency of his country's means, he would not suggest excuses to the people for leaving those means unemployed, and yielding up those objects without a struggle for their preservation. Let the House decide which system of conduct is most wise, most manly, and most likely to effect the salvation of a country. According to the opinion which it shall form on that subject, will it estimate the merits of the hon. gentleman's speech, and determine whether it be best to adopt the firm and energetic sentiments of the Address, or the timid and hesitating language of the amendment.

Mr. *Tierney* said, that had the learned gentleman abstained from the latter part of his speech, he should not have troubled the House with a single observation; but he could not remain silent after hearing the long train of misrepresentations in which that learned gentleman had indulged, and the artful arguments by which he had attempted to inflame the minds of the House and of the country against his hon. friend, by imputing to him sentiments which he never uttered. He would here appeal to the candor of the House, and to the amendment of his hon. friend, and then defy the learned gentleman to point out a single word in it which had any tendency to excite despondency, or to sacrifice the just rights and liberties of Englishmen. Were gentlemen on his side of the House to be told that they depressed the spirit of the people while they increased the hopes of the enemy, because, after being deceived during eight years by every promise made, and disappointed in every enterprise undertaken by ministers, they, at the close of those eight years refused, without previous inquiry, to entrust the remaining resources of the country to the same hands?—As to the question of the maritime rights which we claimed, and which the confederacy seemed determined to dispute, he only wished that the House might pause and examine whether these rights might be surrendered without vitally affecting the interests of the country, or whether the question concerning them was not now prematurely brought into discussion. The House was called upon to come to a vote on this delicate subject before any documents to guide their decision had been laid on the table. The right hon. gentleman had, indeed, promised to produce papers, and told the House he had made up his mind upon the question; but as the House had not the same means of forming a judgment, he trusted they would not assent to the address in its present form.—The learned gentleman had observed, that the lower classes of the people suffered much, but that they suffered without a murmur. It was true they did; but did not the middling and upper classes of the community suffer also? Was not their pride humbled by the privations they must submit to, in lowering the establishments transmitted to them by their fathers? Yet they were accused of indulging in idle lamentations. In fine, there never was a time when the higher ranks of society were reduced to such privations. The hon. and learned gentleman had complimented the lower ranks of life very highly; but did he imagine that they would always be so quiet? The people would one day see that because they had been too patient, the measure of their calamity had been increased. Ministers had, without control, possessed all the resources of the country; but they had expended them in the most contemptible pursuits. He did not believe that the people would think those who so ably exerted themselves in the cause of their country, its enemies. The minister, however, had had the army and navy of England at his disposal; and no man had ever wasted so much of its blood and treasure; no man had ever wasted so much English valour in useless expeditions; expedition had gone after expedition, and million after million. He begged that for the future money might be entrusted to one who would expend it better. He appealed to every man, who was not absolutely in place;—by speaking thus, he did not intend any personal reflection, but it was well enough known, he said, that the being in place naturally produced certain effects.—He therefore appealed to every member not in place, whether they thought the war had been well conducted. The country looked up to ministers for inquiry; but they were unwilling to satisfy these inquiries, and incapable of procuring an honourable peace. He asked the House to name

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the port in Europe that respected them, or the enemy that feared them? The only rational motive for carrying on the war, was, to procure a peace. Was it, then, to be accounted strange, that he should ask that the millions raised to defray its expenses should be put in the hands of those who knew how to expend them to advantage?

Mr. Secretary *Dundas* said, that conscious that in every measure he had had the honour to advise or conduct, he had acted to the best of his judgment, he felt callous to all that the hon. gentleman had said. He defended his conduct during the American war, and observed, that if any gentleman thought that any misconduct had been committed, he certainly had a right to inquire into it; but of all times he thought the present the worst suited for such inquiry.

Mr. *Sheridan* said:—I should not have spoken at all, had it not been for the last part of the learned gentleman's speech. It was in fact a charge against my hon. friend, that, with mock lamentations he was endeavouring to encourage despondency. But the learned gentleman's argument is a curious one. Is it not, he says, encouraging despondency, when our situation is so desperate? We contended that we could not succeed in the objects of the war, and it was then said that we were encouraging despondency. The event turned out as we predicted. Again we said, pause! for your allies will fall off if you go on with the war. Again we were told that our difficulties had become greater, and that we were only encouraging despondency by our advice. Again we asserted, that if the war was continued, we should at length bring the rest of the powers of Europe against us. That day has arrived. Our allies have fallen off, and we have all Europe against us. It is then, suggested, that we ought not to take the assertions of ministers for granted, and that we ought now to pause. Then comes the eloquent speech of the learned gentleman, asserting, that all who made use of such language ought to be considered as almost in league with the enemy. This he illustrated by a simile, which he thought to be unanswerable. What, says he, would you say to a general who should harangue his army, and tell them that their resources were unequal to the conflict? Why, Sir, let me suppose that any general had used this language; and that a colonel should say to him, You have often told us before, that our resources were more than equal to the contest, that we should find allies in every nation, and friends wherever we went; but we have discovered, that in all these promises you have deceived us—we have found ambuscades where we expected support, famine where we expected plenty, and a host of enemies where we looked for none but friends! But the learned gentleman proceeds to contrast the conduct of the lower orders of the people with the language held in this House. Sir, I have always thought it dangerous to endeavour to make a difference between the lower orders and those above them. But I scarcely ever heard any doctrine of that nature more dangerously urged, than I have heard it this night. We talk of quiet: Sir, I am more alarmed at this *dira quies*, than I should be if I heard complaints accompanied even with some tendency to disorder. But why do you not hear complaints? You have gagged the people, and bound them hand and foot; and then you say, look how quiet they are. Sir, I ask, is there any place but this where a man may speak his sentiments freely? If that be the case, is it not idle to talk of this quiet of the people? But, says the learned gentleman, is there any man capable of the meanness of making submissions to France? Yes, Sir, his majesty's ministers; for they have done it. We have heard it asked, whether we could make peace with regicides, and whether a man could be found that would be the bearer of such a proposal? Sir, ministers have done it; they have done it three times, after as lofty boasts as those which the learned gentleman has been making for them this day, by proxy.

The question being put, "That the words proposed to be left out stand part of the question;" the House divided:

Tellers.

Yeas	Sir Wat. Williams Wynn Mr. John Smith - -	245
Noes	Mr. Whitbread - - - Mr. Hobhouse - - -	63

So it was resolved in the affirmative. Then the main question being put, was agreed to.

List of the Minority.

Adair, R.	Anson, J.
Ady, S. T.	Aubrey, sir J.

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Barclay, G.	Milner, sir W.
Baring, sir F.	Mostyn, sir J.
Biddulph, R.	Nicholls, J.
Bird, W. W.	North, D.
Bouverie, hon. E.	Northey, W.
Brogden, J.	Porter, G.
Byng, G.	Richardson, J.
Cavendish, lord G.	Russell, lord J.
Comb, H. C.	Russell, lord W.
Cooke, B.	St. John, hon. St. A.
Copley, sir L.	Shakespeare, A.
Courtenay, J.	Sheridan, R. B.
Denison, W. J.	Shum, G.
Dundas, hon. C.	Simpson, J.
Grey, C.	Sinclair, sir John
Hare, J.	Smith, W.
Harrison, J.	Somerville, sir M.
Howard, H.	Stanley, lord
Jeffereys, N.	Sturt, C.
Jekyll, J.	Symmons, J. P.
Jolliffe, W.	Taylor, M. A.
Jones, J. J.	Taylor, J.
Kemp, S.	Thompson, J.
Knight, R. P.	Tierney, G.
Langston, J.	Tufton, hon. H.
Langton, W. G.	Walpole, hon. G.
Laurence, Dr.	Western, C. C.
Leicester, sir J.	Wilkins, W.
Lemon, colonel	TELLERS.
Lloyd, J. M.	Whitbread, S.
Martin, J.	Hobhouse, B.

Feb. 3. The Address being reported to the House,

Mr. *Jones* said, that the most prominent feature in his majesty's speech was the union. There was no man who more sincerely wished, that that union might conduce to the safety and happiness of the empire; but he entertained great doubt whether such an effect was likely to be expected from it. He had heard that a division had existed in the cabinet upon the subject of the emancipation of the Catholics. The next question referred to in the speech from the throne, was that which related to the controversy between this country and the powers of the north, upon certain points of maritime law. He thought the House ought to know the justice and utility of going to war on this question before it pledged itself to do so. The other subject was the scarcity. He was sorry to observe, that, in addition to the scarcity of bread, the people were obliged to eat what had never been the common food of the country. He believed the Speech would have the effect of re-creating the French marine, as the answer to the overtures of Buonaparté had had the effect of raising him up an army. For these reasons he protested against the Address.

Mr. *Martin*, of Galway, said:—Sir, I rise to thank the hon. gentleman for having wished that the union may turn out to the mutual advantage of the two countries. I can only thank him for the fervency of his prayer; for the speech which accompanied his prayer was very little likely to produce the consummation of it. I have often heard that a prophecy generally tends to its own accomplishment. I am at a loss to suppose that he can be sincere, further than from the reliance I have upon his veracity, when he accompanies his prayer with a prophecy that it is not likely to be fulfilled. If he had given notice of a motion to have dissolved the union, such a speech would have been relevant; because, if he would undo what has been done, it might be of use to demonstrate that what had been done ought not to have been done. But if the union between the two countries is intended to operate as a marriage between individuals during the lives of the contracting parties, what use can there possibly be in stating, that this union would not tend to the good of the countries? There is another subject to which he has alluded; namely, the Roman Catholics of Ireland. I assure the hon. gentleman, that whatever invitations may come from gentlemen on that side of the House to the Roman Catholics, they will find that the Catholics of Ireland will be little inclined to enlist under any banner of the kind. They are willing to abide by whatever the wisdom of the government shall think it expedient to do.

Mr. *Bankes* said, he had carefully listened to the debate of last night, and, in some respects, held sentiments different from the speakers on both sides. With regard to the hon. mover of the Amendment, he was surprised that he should have entertained any doubts on the subject of our maritime right; and if he allowed the right, that he should have questioned whether it ought to be maintained. The revival of this disputed claim, on the part of the neutral powers, loudly called upon this country to establish what we had always considered as our right. The armed neutrality now set on foot was evidently directed against this country. But he must at the same time say, that since such various disappointments had taken place, he did expect that the Speech would have announced some attempt to enter upon a direct negotiation with France. Austria having been obliged to enter upon

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a separate treaty, this country seemed to be called on to enter upon overtures for peace. An alarming storm was gathering in the North, and sound policy required us to get rid of our old enemy, before we attempted to grapple with new ones. It might be said, this was not the moment for making such an attempt; for that the pretensions of the enemy would rise in proportion to the additional force directed against this country. This might be so far true; yet, as our danger increased, was it not to be expected that greater sacrifices must be made when we saw additional armaments fitting out against us? But upon what ground did gentlemen assume that France would not now come into reasonable terms of accommodation? In the last letter of M. Otto there was an express declaration, that the chief consul would be ready, at any future time, to enter upon a separate treaty with this country. Not that he placed implicit reliance on the declarations of France, but why not hear from France herself, whether she would or would not adhere to her own pacific declarations? No other object could now be had in view, but that of coming out of the contest upon fair terms. How could we be sure that the disposition of the first consul might not now be in favour of a general peace? We had but little hope of bettering our condition by continuing the war, with a fresh host of enemies raised up against us. But though he wished no delay in making an attempt at peace, he confessed he was not sanguine in his expectations of success. France might rise in her pretensions, in proportion to the increase of our difficulties, but still he considered it desirable to know on what terms she was disposed to treat. Should the attempt prove impracticable, from the inordinate ambition of the enemy, we should then stand excused in the sight of Europe for continuing the contest, and refute the insinuations that it was British gold and British obstinacy that kept the flames of war alive.

Mr. *Windham* (secretary at war) said, it would be naturally expected that he should say something on the subject now before the House, and yet he was afraid he had hardly any thing to say that might be deemed satisfactory; not because the subject was not important, but because the speech of the hon. gentleman who had just sat down did not oppose the Address, and yet contained some points which naturally called for answer. That speech had proceeded on a state of things, and the opinion he entertained of the conduct which he supposed administration to have pursued; and also on the judgment which that hon. gentleman had formed of that conduct, and his sentiment as to what that conduct ought to be. Now, said Mr. Windham, that hon. gentleman must see that it is impossible for me to say any thing on that subject, one way or the other. I beg leave to say, I neither mean to convey any opinion or information on what has been the conduct of administration on the subject he alludes to, or what is their conduct now, or what ought to have been their conduct; because, if there is any one thing which more than another requires delicacy, care, and caution, as to what should be said, or what should not be said, or that requires more judgment than any other; if there be any one thing which requires peculiarly more secrecy than that of any other subject, it is the steps taken by government for a negotiation for peace. Motions have been made upon that subject, calling for the interposition of parliament; and whenever such a motion is likely to be useful, I think the best shape in which it can come is that of an address to the throne for the dismissal of ministers; because to that object they all tend. Generally speaking, however, there is no subject which requires more extent of information, delicacy of touching, or more variety of means, than that of negotiation for peace; nor is it only necessary that these advantages should be possessed by those who would act, but even those who would talk to purpose on that subject. Who should take the first step towards negotiation? What particular circumstances of one country should make it either take the first step, or wait for another to do so, and many other points better alluded to than descanted upon, are most delicate, and require the application of the best talents that a state has in its service. The hon gentleman, when he wishes to provoke a discussion upon that subject, must be aware that he is calling for that on which he can possess at best but very imperfect materials for consideration; he must be aware also, that the subject is one on which ministers must necessarily be silent: he is therefore combating, in a great degree, upon a very difficult point, although he is without an adversary. I must be allowed to protest against any inference that he can

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draw in such a situation. There are no circumstances before that hon. gentleman, from which he can infer that no steps have been taken for negotiation; nor any to make him infer that any steps have been taken; or when or how they may be taken. It must be obvious, if such steps be taken, they require, for the success of them; that they should remain secret until some progress is made in them. Now, I beg leave to say, that I give no information, either the one way or the other, I only observe, that the hon. gentleman has been speaking on facts which have been assumed by himself. He must infallibly be in the dark: and as I am not supposed to be so, I should ill perform my duty if I were to discover any thing on this matter at the present moment. I think nothing of this kind ought to be discovered by any branch of the executive government. All that can regularly be said is, that this country is at perfect liberty, by its declarations, to open a negotiation with France, if it sees a necessity for so doing. France is also at perfect liberty to begin a negotiation with us, if she thinks proper so to do. But I do not say whether any such negotiation has or has not been begun or proposed on either side; not do I say any thing of any reason which may have determined his majesty's government either one way or the other upon that subject. I cannot, however, help adverting a little to what the hon. gentleman has said, and observing by the way, that he took upon himself the exercise of the functions of executive government, and that without good means to exercise his faculties. Every member is at liberty to do so, if he thinks fit. Those who are hostile to ministers, who think meanly of their judgment, very naturally consider topics of negotiation for peace proper objects of motion in this House; of which the tendency is, to take the affairs of government out of the hands of ministers, and to place them elsewhere. But I should have thought that my hon. friend would have given us the credit for knowing what we were doing; especially when he must feel that, at all events, his own information is very imperfect on the subject on which he has been speaking, instead of supposing a course, as he has done, and then assuming that ministers have pursued it. I cannot help recommending to him, as well as to others, a little distrust of their own judgments upon these subjects; because they cannot possess the information which is necessary to form a complete understanding of it. The hon. gentleman admits, to the fullest extent, the rights claimed on the part of this country in the case now immediately before us; and he states the opinion of the House on the claims of the confederate powers. He says also, that the question is of too much importance to be given up, and that France is a party that is fomenting the Northern powers to a quarrel with us; which I believe to be true;—why, then, it is rather odd that such a moment should be chosen by the hon. gentleman to make the observations we have heard from him to-night; and that in the very moment in which (for any thing he can know to the contrary) there may be a negotiation going on, but of which I beg to be understood again as not saying a word one way or the other. If France is endeavouring to support the confederates in this claim, and they proceed on that assumption until the councils of these confederates be changed, every thing they advise that is to effect us must be nugatory.—The hon. gentleman observed a good deal upon a topic, on which I would say a word or two: which was, on the propriety of the ministers of this country making overtures for peace, which they knew would not be accepted. That there may be possibly a given state of things in which such a course should be taken, I will not deny; but it is on the face of it a very undignified mode of proceeding, and one to which I should be very unwilling to consent. Besides, who is it to satisfy? It would not satisfy the hon. gentleman, nor, I presume, many of the members of this House; so that I think the step, if taken, would not be very effectual: nor do I think it would be wise; for it would bring into question the pacific disposition of government, a term which, by-the-by, is a little vague, because a pacific disposition must and ought to depend upon the terms on which you indulge it. However, the practice alluded to by the hon. gentleman, would call in question the future sincerity of its followers, and be unfavourable to the character of government. This would not satisfy any intelligent man at home—it would not satisfy the enemy. Why, then, the only purpose to which it can be applied is to do what is called satisfying the country. Now, I cannot think this a policy very dignified, because it is at best only giving temporary way to clamour, and producing nothing—and that to the knowledge of

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those who act in it. This I consider as a species of popular delusion which is discreditable to those who are concerned in it. Besides, we must not suppose that if these shifts produce no good, they will cause no harm: there are no expedients, or if there be any, they are very few, which produce neither good nor harm in the affairs of states; and doing a thing to produce what is called an impression, if that be a false impression, is, in my opinion, very bad policy: nothing should be adopted but what is for the general and permanent interests of a country. And here again the hon. gentleman assumes much knowledge of what has been passing in the minds of ministers: he says, they must have meant this, or that; to which propositions I cannot assent. The hon. gentleman then alleges that some expectations have been held out on the subject of this war, and of the conclusion of peace; and he talks of a disappointment in that respect. Whether he applies it in general to administration, or to himself, I know not; but I confess I am not one of those whose expectations have been disappointed. I never thought the contest in which we are now engaged was a business which could be soon dispatched. My wishes and hopes have indeed been sanguine, and so they are still; but wishes and hopes are things very distinct from expectation: all that any man can say upon this subject, as I apprehend it, is, that, with all the inconveniences we suffer, we are better off by the war than we should have been by peace; that, though our sufferings are great, they would have been much greater if this war had not taken place. That is all the expectation I ever had from this war: I thought so previous to its commencement, and was of opinion that it ought to have been commenced sooner; and all that has happened has not disappointed me. I never thought that we should be better off after the war than we were before it, that is not the way to view the matter: the question is, what would our situation have been if we had not had the war? The hon. gentleman seems to imagine that I hold out a hope, that by the prosecution of the war, we shall better our condition. That is not an opinion that I ever entertained; the hopes of a state in war are, not to better its condition, but to prevent as much as possible its condition from becoming worse. So in this case—you are not going to war with the Northern Powers to better your condition, but to preserve what is to be considered as the maritime strength, which, in a political sense, is synonimous with the existence, of your country. I hope the hon. gentleman, upon reflection, will agree with me, that he is not in possession of sufficient materials to form an accurate opinion on these topics.

Mr. *Nicholls* expressed great concern at hearing something as if the Catholics of Ireland were not to have those advantages from the Union, a prospect of which had been held out. He had supported the Union, because he had trusted that it would be the means of giving to that numerous class of British subjects the equality of rights and privileges which had been denied them under a more contracted system of policy. From a hope that so great a benefit would be the result of it, he had cast a veil over the enormities and corruption by which it had been accomplished; and in proportion to his warmth of expectation, was his disappointment to find that no prospect was held out of their emancipation. He next directed his attention to the state of our dispute with the Northern Powers; and though he professed to give no decisive opinion on the subject, he maintained, that even the decree of one of the ablest judges of this country (sir W. Scott) led to the inference, that the right which was disputed was not so clear and undoubted, in the general unlimited view of the affair, as was commonly supposed. At all events, it was a subject to be maturely weighed before the nation was plunged, in defence of it, into the horrors of war. In conclusion, he contended, that peace alone could save the country.

Mr. *Hobhouse* considered the question in dispute between us and the Northern powers as not a clear point, but one that required discussion; not that he had a decided opinion upon it, but he should like to hear it discussed deliberately, for there were grave opinions upon it on both sides. From the judgment of the court in the case of the Swedish convoy, it was clear, that the right of search was neither positive nor undoubted. He must oppose Address from the hostile spirit which it breathed. It was stated, that as soon as the enemy showed a disposition to enter on terms of negotiation, there would not be wanting, on the part of this country, a desire to meet them with a suitable spirit of pacification. But when the former

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temperate overtures of the first consul were considered; when it was reflected how contemptuously they were rejected; and when to this it was farther added, that this rejection was accompanied by the most petulant abuse, it was hardly to be expected that new overtures should come from the side of one so grossly abused. The Address, then, which, as it were, pledged the House to wait till such overtures were produced, could only be considered as hostile.

Mr. *Wilberforce* approved entirely of the Address, and was satisfied that the ambition of the enemy was the only reason why we had not had peace long ago. The naval superiority of this country had, under Providence, proved the means of securing to us as great a degree of public prosperity and private happiness, as had ever been possessed by any nation; and this happiness, he hoped would not be found inconsistent with that of other nations. The right for which we had now to contend, was agreeable to the law of nations, and confirmed by the very exceptions made to it in our treaties with particular countries. He hoped, however, that we should show a disposition to bear our faculties meekly; and that if any expedient could be devised, by which, while the body and substance of our rights were maintained, they might be exercised in a way more agreeable to the feelings of neutral states, his majesty's ministers would express the utmost readiness to adopt it.

The Address was then agreed to.

The King's Answer to the Commons' Address.] To the Address of the Commons, his Majesty returned this Answer:

"Gentlemen; I return you my particular thanks for this very loyal and affectionate Address. The cordial assurances of your attachment to my person and government, and of your zeal for the interests of my dominions, afford me the utmost satisfaction; and the firm and explicit declaration of your sentiments in the present conjuncture of affairs, must produce the happiest effect in enabling me to support with energy and vigour the just rights of my crown, and the essential interests of my dominions."

Change of Ministry.] Mr. Sheridan gave notice, that, on the 5th instant, he would bring forward a motion relative to the late negotiation for peace with France.

Feb. 5. Mr. Sheridan, understanding that the health of the chancellor of the exchequer was such as disqualified him from attending in his place that evening, postponed the motion he had announced for this day, until the 10th. As it was but a preliminary motion to one which would import a charge of great and criminal misconduct in his majesty's ministers, it was highly proper that the right hon. gentleman should be present.

Feb. 9. Lord Hawkesbury expressed a hope, that Mr. Sturt would consent to put off his motion relative to the expedition to Ferrol, for a day or two, as two of his right hon. friends (Mr. Pitt and Mr. Dundas) were necessarily absent.—Mr. Sturt lamented the absence of the two right hon. gentlemen, but did not feel that their presence was necessary.—Mr Ryder hoped Mr. Sturt would consent to defer his motion to a future day. It was not the desire of his two right hon. friends to avoid the subject. Their absence did not arise from any accidental cause: it proceeded from circumstances which it was impossible for him then to state, though those circumstances were almost notorious.—Mr. Sturt then consented to defer his motion to the 7th.—Mr. Grey gave notice, that he would, on that day sevennight, move for a Committee on the State of the Nation.

Feb. 10. On the order of the day being read, for taking into consideration the earl of Darnley's motion for an inquiry into the conduct of ministers respecting the management of the war,

The Earl of *Carlisle* entreated the noble lord not to press his motion at the present moment. Not only might such a discussion appear premature; but it might be deemed ungenerous to bring forward charges against ministers, while they were placed in a situation in which it might be embarrassing to them to enter on their defence. Many of them, it was supposed, were retiring from office; and the grounds for their withdrawing added considerably to the dangers to which the empire was exposed. He more particularly alluded to the question of the emancipation of the Irish Roman Catholics, for which the faith of government had, in some degree, been pledged. However he might lament the decision that had taken place on this very delicate point, he wished that any discussion of it might be abstained from for the

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present. In what he had said to dissuade the noble lord from persisting in his motion, he was not influenced by any desire to give his countenance and support to the administration about to be formed. The present most alarming situation of the empire called for the ablest heads and hands to direct its affairs; and could any expectation be rationally entertained of effecting our salvation by the exertions of such a ricketty administration as that which was about to undertake the helm of the state? A hope was held out by the late administration, that something would be done for the Catholics of Ireland. To that the national honour had been pledged: and if that hope was now to be suddenly extinguished, what could ensue, but all the mischiefs to which men could be instigated by complete despair?

Lord *Grenville*—My lords; from some expressions which have dropped, I feel myself called upon shortly to explain the situation in which I now stand. And let me begin by deprecating all warmth of discussion at the present moment. Let us refrain from every topic which may inflame the public mind, add to the violence of faction, and increase the difficulties of the country. Opportunities will occur when these subjects may be canvassed with safety. A painful duty yet remains to speak of myself. From this I will not shrink. Some time ago, the noble earl who sits near me (Spencer), another noble lord not now present (lord Chatham), together with myself, and several of his majesty's servants, in the House of Commons, thought it expedient that the benefits of the Union should be rendered as extensive as possible, by certain disabilities being removed, under which a great portion of the people of Ireland now labour. Imagining that this measure could only be effectual, by coming from the executive government, we proposed it to those who direct his majesty's councils. It was not deemed eligible, and we were unable to prevail. Our opinion of its policy remaining unaltered, we considered ourselves bound to retire. Accordingly we tendered to his majesty the resignation of our several employments. He has been graciously pleased to dispense with our services, and we only hold our offices till our successors are appointed.—My lords; it is impossible for me to sit down without expressing the gratitude I feel for the indulgence, confidence, and support that I have experienced during the long and eventful period that I have had a share in his majesty's councils. I have had to serve a kind and indulgent master. He has uniformly treated me with attention while in his service; and his acceptance of my resignation he accompanied with the most flattering marks of regard. This conduct has made a lasting impression on my heart. My bosom is filled with sensations of respect, gratitude, and attachment, which I feel unable to express. My obligations to your lordships are also deep. You have long continued to view my conduct with approbation. The period during which I and my colleagues have been in office, has been critical beyond example; and the country has been threatened with greater dangers than any to which it had before been exposed. The constitution, however, is still entire, and the nation continues independent and powerful; while many of those around it have been reduced to the most abject servitude. May we hope that our services have contributed to the escape which this country has made from the evils that threatened it? It is our consolation to reflect, that the same vigorous line of conduct will be pursued by our successors. Though we may differ from them in some points, in most there is no difference between us; and while they continue to act in a firm, resolute, and manly manner, they shall have our steady support.

Earl *Spencer* assured their lordships, that he most cordially acquiesced in the assurances that had been made by his noble friend. His noble friend had fully explained the reasons by which he was induced to resign the place which he had held in his majesty's councils, and the intention by which he was actuated of supporting the general system that was to be adopted by his successors.

The earl of Darnley then postponed his motion to the 20th; for which day their lordships were ordered to be summoned.

Resignation of Mr. Speaker Addington.] Feb. 10. The clerk at the table acquainted the House, that he had, this morning, received a Letter from Mr. Speaker: which he read as followeth;

"*Palace-yard, Feb. 10th*, 1801.

"Sir; his majesty having been pleased to express his intention of appointing me, at this conjuncture, to a situation which would be incompatible with the conti-

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nuance of my service to the House of Commons, I am obliged to request that you will tender to the House my resignation of an office in itself the most honourable, and repeatedly conferred upon me in a manner the most gratifying. In quitting such a situation, endeared to me by considerations the nearest to my heart, I am unable adequately to express the sentiments of respect, gratitude, and regret, with which I am impressed; I am sustained by the consciousness that, on this occasion, I am actuated by the same principles of public duty, by which it has been my earnest wish and constant endeavour to regulate my conduct, and from which I trust that I shall never deviate. I am, with true regard and friendship, sir, &c.

John Ley, esq. HENRY ADDINGTON."

After which, and before any member spoke, the mace was brought into the House by the serjeant, and laid under the table. Then, Mr. Pitt acquainted the House, that his majesty, under the circumstances referred to in Mr. Speaker's Letter, gives leave to this House to proceed to the choice of a new Speaker; and, that it is his majesty's pleasure that this House should present their Speaker on Thursday next, at two of the clock, in the House of Peers, for his royal approbation.—Mr. Pitt then moved, That the House do now adjourn.

Sir *W. Pulteney* said:—I cannot help expressing my regret at the loss the House will sustain in the right hon. gentleman who has so long and so ably presided in our chair. I am not accustomed to pronounce panegyrics on those in office, or on those coming into office; but I cannot avoid saying, that the conduct of our late Speaker has been such as must have procured him many distinguished friends in this House, and, I am persuaded, no one enemy. The situation he is now called upon to fill is one that requires the exercise of great talents. I do not mean to insinuate that one man may not be as eminently distinguished as another; but certainly very considerable talents have been withdrawn from his majesty's service; and, as far as the public can judge, they have retired upon an important principle, and not in consequence of any spirit of party or faction. I hope, whoever may succeed them, that this House will have but one object in view—that we shall direct our whole attention to the situation of the country. Let every man, regardless of all party differences, lend all his assistance to bring the state out of its present danger. The people themselves will side with us, and lend us their aid. I have a right to say something: I am now old, and have seen many changes, without a change of principle: I wish to see that sort of change that I never have seen yet—a change in which persons of all descriptions shall act from no other motive than the good of the public, without having any view to their own personal interests.

The House then adjourned.

Sir John Mitford chosen Speaker.] Feb. 11. Lord *Hawkesbury*, addressing himself to Mr. Ley, the clerk of the House, said:—Sir; in consequence of your communication to the House yesterday, I rise for the purpose of proposing a fit person to fill the chair of this House. It is impossible, that the resignation of our late valued Speaker should not have made a serious impression upon the mind of every one present: it is impossible that we should feel indifferent to the loss of a person whose services have been so highly creditable to himself, and so advantageous to the House and to the public, for such a number of years: it is impossible not to feel the deepest regret at the unfortunate circumstances which have led to that resignation—circumstances by which, at a critical conjuncture, the country has been deprived of abilities as splendid as ever adorned any country at the most brilliant period of its history. The right hon. gentleman has accepted a situation of great and momentous difficulty: his elevation he has, I am persuaded, neither sought nor wished for; but the sense alone which he entertained of his public duty has made him consent to accept the high office conferred upon him by his sovereign. In order, Sir, to supply the loss that we have sustained, I trust I shall name one to fill the Chair of this House, whose election to that eminent situation will be no less creditable to the dignity of the House than honourable to the object of its choice; a person who, by his extensive knowledge of the laws of his country, has raised himself to the head of that profession of which he has ever been so distinguished a member; a person whose mind and habit of thinking have not been contracted by abstract application to the peculiar study of his profession; but whose attention has been

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devoted to the attainment of a comprehensive knowledge of the history, laws, and customs of this and other countries; by the comparison of which he has acquired, in a superior degree, the means of justly estimating the invaluable blessings of the English constitution. In saying this, I am persuaded the House will anticipate me in my intention of proposing sir John Mitford, by referring the qualities I have enumerated to that hon. and learned gentleman. Sir, if unbounded knowledge of the laws, constitution, and government of the country; if energy of character; if independence of spirit; if great integrity, and manners the most conciliating, be talents requisite for a Speaker of the House of Commons, I believe no person can be named who possesses those qualifications in a higher degree than the hon. and learned gentleman whom I have proposed. I shall conclude by moving, "That sir John Mitford do take the Chair of this House as Speaker.

Mr. *I. H. Browne* said, that in rising to second the motion, he could not but join in the regret which every gentleman must feel, on the resignation of their late Speaker, and the causes of it. The country had been for several years engaged in an arduous contest, and during the whole of that time, all the high offices of government had been filled with persons possessing great abilities, a courage always prepared to encounter danger, and, in his opinion, the most unsullied integrity. But of all these offices not one had been filled with greater respectability or dignity, than that with which this House was more particularly connected. Whatever prejudices might be entertained against some of the persons who were retiring from, or coming into office, he was persuaded that none was entertained against their late Speaker. He was persuaded, that whatever office he might be called to fill, he would maintain the character he had so deservedly earned, and would show the same firmness that he had hitherto done. His courage would not fail him in difficulties, and the same principles of moderation would guide his conduct.—He had now only to express his happiness that there is another person in this House, so well qualified in every respect to be his successor in the chair. All would allow him to be learned in the law—than which no qualification was more requisite to a Speaker of that House. He had always evinced the most fervent love for the constitution and for his sovereign. His temper and manners were such as to conciliate the jarring opinions of others. At this alarming period, the great object of all parties ought to be to maintain the constitution of the country; and how can it be more effectually defended than by placing in that Chair, a person who honours it best, and loves it most?

Sir *John Mitford* began by observing, that it had been usual for persons in his situation to submit to the House whether they were fit for the office to which some member had proposed they should be elected. But, for his own part, he conceived that, from the situation in which he then stood, it would be unnecessary as well as improper in him to make such an appeal to the House. After the high office which he had just filled, and the length of time he had attended to his duty in that House, he would not for a moment suppose that any gentleman should think him unqualified for the situation to which his noble friend had proposed that he should be elected. Besides this, he had the example of the gentleman who lately filled the chair; that gentleman, when first called to the situation, did not follow the example of others; he did not consider himself as unfit for the office. Under these circumstances, he would candidly own, that he felt as honest an ambition to sit in that Chair, as any other member in the House. He thought it necessary, however, to state, that the idea of his being proposed to that important office, did not originate with himself, but was the result of the suggestions of many of his friends. Every gentleman present would believe him to be sincere in that declaration, when they considered the high and important situation he had resigned, and that by giving up his practice in the law, he had, in a pecuniary point of view, made sacrifices infinitely greater than any advantages that could arise from the situation to which he was then proposed. He had indeed entertained hopes that he should arrive at some other appointment, which the labours of his life, and the practice of his profession, might be supposed to render him most capable of filling. He had not, however, yet lost sight of those professional pursuits, which had secured to him a competence. Should he have the honour of being now elected, and should any future House of Commons

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think proper not to re-elect him as its Speaker, he should then look to that profession as a resource, to which he could always turn. He should consider it as a high honour to be placed in the Chair of that House; and the happiest moment of his life would be that in which he reflected, that he had been considered worthy to discharge the duties of that important office.

Mr. *Sheridan* agreed in the justice of the panegyric which had been pronounced upon the learned gentleman proposed to succeed to the chair; but at the same time he felt compelled to say, that the qualifications peculiarly necessary for a Speaker, were not most likely to be found in the learned profession. The idea had generally prevailed, that the practical knowledge of a lawyer was not precisely that which was requisite for a person called upon to fill the chair of that House. The ancient practice had been, for the House, in considering a proper person to fill the chair, to look to the country gentlemen of independence and talents. It had never been the custom to look up to a gentleman, however respectable he might be, who held a place at the will of the crown. The learned gentleman had said, he no longer held any office: upon what presumption had he given up his situation as attorney general? Was it to be understood that his appointment to the Chair was a matter of prior arrangement? If there were no other reason than that of his having given up a lucrative office in consequence of an arrangement with his majesty's late or present ministers, he should think it his duty, without any disrespect whatever towards the learned gentleman, to object to the choice of him as Speaker. The person he should propose was one who—but first he would contend that any member was eligible to sit and vote in the choice of a Speaker, or to be proposed as one, even though he should not have taken the oaths.

Mr. *Pitt* said, that the hon. gentleman seemed disposed to propose a member to fill the important office of Speaker, without having ascertained whether that member was capable of being elected, or even of sitting in that House. If the hon. gentleman had looked at the act of parliament, he would have found, that it was not only impossible for the member to whom he had alluded, to express in the House his assent or dissent to the choice of the House, supposing it should fall upon him; but for him even to be present at the debates, without incurring the penalties prescribed by one clause of the act in question. The hon. gentleman certainly could not have been aware of this circumstance; but having now an opportunity of looking at the act, he hoped he would not press the subject any farther. He had heard a rumour of something of this kind being proposed, which had induced him to look into the question, and he then found that the words of the act were distinct and insuperable.—The first objection which the hon. gentleman had made to the motion of his noble friend appeared to him most extraordinary: it was, that his learned friend belonged to the profession of the law, and that he had attained the highest rank in that profession which talents and industry could raise any man to. He did not mean to assert, that there were not many gentlemen, not of the profession of the law, who were well qualified to discharge the office of Speaker; but it could not be denied, that a knowledge of the profession, and that application to business which generally accompanied it, must be extremely advantageous in the discharge of so arduous an office. Besides, a man who studied the law with enlarged and liberal ideas, must acquire an intimate knowledge of the constitution, and a love for it, increasing as that knowledge was augmented. These were circumstances, that, in his opinion, so far from being objections, were the strongest recommendations to a candidate for the chair of that House. It was not merely that honest zeal which the hon. gentleman had spoken of, that was necessary to qualify a man for the office of Speaker: it required those habits of application, and that method and precision in the discharge of business, which belonged to the profession of the law. It was not only in the public proceedings of that House that the difficulties of the office consisted; there were many other parts of the duty that required those talents and that vigilance which had been uniformly displayed by the right hon. gentleman who lately so ably filled that chair, and who, he had no doubt, would carry into whatever other station he might be placed, those eminent qualities which were necessary in arduous times for difficult situations.—The other objection which had been made was still more singular than the former; it was objected to his learned friend, that he had done that which, if he had not done, he

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would have been disqualified, namely, resigned his office. So that the hon. gentleman had proposed one person for the office of Speaker who was ineligible, and had objected to another that he had qualified himself for the office. If the hon. gentleman would look at the act, he would find that no person could be chosen Speaker who held any office at the will of the crown. The hon. gentleman's objection, therefore, amounted to this; that his learned friend being laudably ambitious of the honour of filling the chair of that House, and willing to take the chance of meeting with the approbation of the House, had taken the necessary steps to make himself eligible. The conduct of his learned friend upon this occasion, had displayed that manliness and sincerity which he had ever shown, and which he was sure must recommend him to the favour and good opinion of the House.

Mr. *Martin* said, that he had heard so much of the integrity and other good qualities of the learned gentleman, and among them of his impartiality where that was an object, that he was induced to vote for him.

Mr. *Nicholls* said, that the learned gentleman's character for understanding was very high, and that was a general qualification for the office; but there was another qualification in him that fitted him most aptly for this office; he meant his long habit of considering cases which related to private property, and which gave him a superiority in that respect over most others. This was likely to be highly advantageous to the proceedings of the House in private bills of various descriptions.

Mr. *Sheridan* desired the clerk to read a clause of the 36th Geo. 3rd, by which it is provided, that no person holding any office or place of profit at the pleasure of the crown, or having such office held for him, should fill the chair of the House. The clause being read, he said, he wished the House to attend to the spirit of the act; and would ask, if the learned gentleman could be said to have qualified, according to the clear intention of that act? Could it be doubted that the learned gentleman had the re-appointment to the office of attorney-general in his pocket, as it were, if his friends should miscarry in the arrangement made for his filling the chair? Notwithstanding the boast of the learned member's magnanimity and laudable ambition in resigning his lucrative office and professional employment, and those expectations connected with them, to offer himself for the chair; it was plain enough how safely the learned gentleman made the experiment, if even the House should happen to think they might find another gentleman somewhere in the House as qualified as the learned member to fill the chair with advantage and honour to the House and himself. Would not the present ministers think themselves bound to restore the great legal knowledge and abilities of the learned member to the service of the crown, and the benefit of the public, if the House should make another choice? The spirit of the act was mocked by such resignation and preparation. The gentleman he had alluded to (Mr. C. Dundas), had taken the oaths up stairs, and he thought him as well qualified as any member could be to fill the chair. Great and just praise had been given to the late Speaker, in which he heartily joined; but a word had escaped the right hon. gentleman, to which he could not forbear to advert. When the right hon. gentleman assured the House that Mr. Addington would fill his new situation with all the ability and wisdom it could demand in a most critical and difficult time, he must pause: he could not give his confidence to the right hon. gentleman in that trying situation till he had the proof of experience and facts. And he was the more called to be upon his guard, since it had been openly avowed that the new administration would act on the principles of the old one.

Sir John Mitford was then conducted to the Chair by lord Hawkesbury and Mr. I. H. Browne.

Sir *John Mitford*, from the chair, then said, that he could not but feel the deepest sense of the obligation he was under to the House for the honour they had thus conferred upon him; but he was encouraged to undertake the arduous duties of the office, in the hope of being honoured with the confidence and support of the House, while it would be his uniform endeavour, in discharging the duties of the office, only to consider what the Speaker of the House of Commons ought to do, without any affection, prejudice, or partiality whatsoever,

And then he sat down in the chair; and the mace (which before lay under the table) was laid, by the serjeant, upon the table.

On the following day, the new Speaker

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was presented to the Lords Commissioners for the royal approbation, and approved of.

Insolvent Debtors Bill.] Feb. 12. The Earl of *Moira* called the attention of the House to the circumstances of the number of Insolvent Debtors confined in different parts of the kingdom. The present dearness of all the necessaries of life very much increased their distress. At the same time, those circumstances, their lordships must be aware, must increase the cupidity of creditors. He did not mean to propose himself an act of insolvency, thinking that such measures would best flow from government; but he felt it incumbent on him to call their lordships attention to the situation of these unfortunate persons.

The *Lord Chancellor* took occasion to observe, that the general system of the law of debtor and creditor in this country greatly required amendment. Towards that point he had for some time past turned his anxious attention, and had consulted several who, from their habits and practice, were much more conversant in the subject than himself. The alterations which had of late years taken place with respect to the laws regarding real and personal property; the alteration in the circumstances of property of this description, arising chiefly from the great increase of commerce; and the nature of the application of the law under the present system, strongly called for revisal. He therefore had had a bill drawn up, the particular provisions of which he should not then detail; but he proposed to present it on Monday.

Feb. 16. The *Lord Chancellor* rose to bring forward his promised bill, respecting the amendment of the laws relative to the concerns of debtor and creditor. He stated, that the bill was comprehensive in its nature, and so concise, as not to require a detailed exposition of its provisions. He would not then go into much detail as to the nature of its intended operation, but barely state that as the law now stood, if a debtor's body was taken in execution, and sent to prison, he might, at his option, refuse to compound with his creditors, and continue to live in confinement, and if he died there, the debt was held to be paid, and no action could be brought against his assignees and executors for the amount of the debt, let his effects and personal estate be ever so valuable: by this bill, if a creditor chose to liberate his debtor from confinement, he would have the power to set him free and still have a claim on his effects, though, after such liberation, the person of the debtor would be protected as far as regarded the debt for which he had been taken in execution. He meant to follow up this measure with two others; the one, to make all property, real and personal, freeholds and copyholds, responsible to legal claims of creditors, even in cases of the death of the debtor; the other, to facilitate the operation of the existing laws respecting processes for the recovery of debts, such processes in various points being liable to be rendered exceedingly tedious, vexatious, and irksome. His lordship gave a summary sketch of the nature of each of these two additional measures, and their probable effect, and then said, that he was pretty confident of the advantage of the bill he held in his hand, and he wished it to pass, not with any extraordinary expedition, but with as little delay as reasonably might be. He moved, That it be read a first time.

It was read a first time, and ordered to be printed.

Mr. John Horne Tooke.] Mr. John Horne Tooke took the oaths, and his seat for Old Sarum. He was introduced by sir Francis Burdett and Mr. Wilson. This being done, earl Temple rose, and said, he had observed a gentleman who had just retired from the table, after having taken the oaths, whom he conceived to be incapable of a seat in that House, in consequence of his having taken priest's orders, and been inducted into a living. He should wait the allotted time of fourteen days, to see whether there was any petition presented against this return. If not, he should then move, that the return for Old Sarum be taken into consideration.

Vote of Thanks to Mr. Addington, the late Speaker.] Colonel *Fullerton* rose to make his promised motion, that the thanks of the House should be given to their late Speaker, for the ability with which he had filled the Chair, during a period of twelve years. Every gentleman, he was persuaded, must feel the obligation due from the House towards that distinguished character. He wished to

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wave all consideration of the circumstances which had produced the change of his majesty's ministers, as these were not only not connected with his motion, but would fall to be discussed on some subsequent occasion. Confining himself, therefore, solely to the merits of the right hon. gentleman as Speaker of the House, and without anticipating what his merit might be in another exalted situation, he should content himself with moving—"That the Thanks of this House be expressed, in the strongest terms, to the right hon. Henry Addington, for the exemplary and distinguished manner in which he discharged the duties of Speaker during the whole of the period in which he filled the Chair of the House of Commons: that he be assured, that the proofs which he has uniformly given of attachment to the constitution, the steadiness with which he has maintained the dignity and privileges of this House, the ability, integrity, and unremitting attention to parliamentary business, which have marked the whole of his conduct, justly entitle him to our approbation, respect, and gratitude."

Lord *Belgrave* said, he participated in the sentiments expressed in the motion, and to attempt to add to them, he considered unnecessary. He was persuaded when he avowed his admiration of the conduct of the right hon. gentleman who had so long graced the Chair, he spoke the unanimous opinion of the House. He would only add, that while he was expressing his admiration, it was natural to express a sanguine expectation that his abilities would be no less conspicuous in that exalted situation to which his majesty had thought proper to call him.

Mr. *M. A. Taylor* said, that no man was more willing than himself to bear the highest testimony to the eminent qualities of their late Speaker; but he begged that while the House were voting thanks to him for the exercise of those qualities, they should not be called upon to mix in their vote subjects of a political nature. He did not at this moment wish to enter upon the grounds which had induced his majesty to call that gentleman to preside at his councils. He was now only voting his thanks in gratitude to him for the great services he had performed during the period in which he had filled the Chair. With respect to any other situation in which he might be called upon to display his abilities, he should judge hereafter how far he might be entitled to praise.

Mr. *Pitt* did not wish at present to advert to the circumstances which had given rise to the resignation of a part of his majesty's ministers. Opportunities would occur, when these would be more properly considered, and he would then feel it to be his duty to the House, to lay before them that explanation of his conduct, which was naturally expected. He would now confine himself to the motion before the House, agreeing, as he did, with the hon. gentleman, that political allusions were foreign to its object. There could now, he was sure, be only one sentiment with regard to the merits of the right hon. gentleman while in that Chair. He owed it as a debt to the highest and most eminent talents, that perhaps had ever adorned the station which the right hon. gentleman had now left, to say that in his exercise of the duties of that station, his conduct had been meritorious and exemplary, to a degree perhaps unparalleled. In the discharge of its various duties, he had acted in such a manner as to command universal respect, and amidst all the differences of opinion which had taken place during the period that he had filled the Chair, there had never occurred a single instance of difference of opinion respecting the ability, moderation, and temper, with which he had guided their debates. The motion, therefore, met with his warmest approbation.

The motion was then put from the Chair, and agreed to *nem. con.*

Committee of Supply—Change of Ministry.] The order of the day for the House to resolve itself into a Committee of Supply was then read; and on the motion, "That the Speaker do leave the Chair,"

Mr. *Harrison* rose to oppose the motion. This House (he said), seems to be placed in a situation so totally unprecedented, that we ought to hesitate before we proceed to vote away twenty-eight millions for the service of this year—before we consent to load the country with an addition of two millions of new taxes to those under which it now groans. The House is called upon to load the people with a large addition to those burthens which they now endure, at a time when the responsibility of the former ministers is at an end, and when the person to whom that responsibility is to be trans-

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ferred, is absent from his place. It is now evident that the right hon. gentleman (Mr. Pitt) is no longer in his former official situation; for he has been addressed from the chair by his own private name, and the office that he filled, the House is bound to consider as unfilled. Under such circumstances, it is indecent to bring forward the present motion. In the American war, the right hon. gentleman made the House resound with the profusion of the minister, though in the last year of that war only thirteen millions were added to the national debt. But what was this profusion to that which has distinguished the present contest? For the service of the present year no less a sum than 28 millions is required. Admitting that great sacrifices are necessary, still it is proper we should know who are the persons that are to direct the energies of the country? Whether they are likely to employ the money entrusted to them on objects of true national utility, or waste it in fruitless expeditions? Far is it from my wish to obstruct the granting of those supplies which are necessary for the defence of the nation; but the representatives of the people are bound to check all useless expenditure, to put a stop to profusion, and particularly the practice of granting pensions to persons who have performed no acts of public benefit. On these grounds I contend, that farther proceedings on these estimates should be delayed till the new ministers, by taking their seats, have assumed responsibility.

Mr. *Pitt*, in reply, took up what had been advanced by the hon. gentleman, respecting the state of the country in 1784, and contended that the situation in which it was now placed was essentially different. At that period public opinion was divided, the strength of the different parties was very nearly balanced; and it was under the circumstances of a new administration, which had received no previous support from the House, that an attempt was unsuccessfully made to withhold the supplies for the public service. But it would be singular, if, under circumstances more urgent, under dangers more alarming, under exigencies more pressing than at any former period, the House were now to delay that supply which was essentially necessary to the public defence. It would be singular, if those who had so long, without effect, opposed ministers, though supported by the House and the nation, should succeed in depriving government of the means of national defence, because those who had been the grand objects of their invective were to continue to direct public affairs. He hoped that the attempt would be as unsuccessful as it was at the period to which the hon. gentleman had alluded; and he trusted that the defeat of the attempt would be attended with consequences as salutary as those which took place on that occasion.—The hon. gentleman had complained that the new writs had been unnecessarily delayed, since it was known for some time that ministers had resolved to retire from their situations. To this it was a sufficient answer to say, that, when there arises a change among his majesty's ministers, it must be left to his majesty to determine when the new arrangements shall be formed, and it is contrary to the spirit of the constitution for the House to assume any right of determination on a subject of this kind. The expedient proposed by the hon. gentleman, under the circumstance of this delay, was one of the strongest ever proposed in that House, more particularly by those who stood up for the necessity of adopting the most vigorous measures for the defence of the country. While they admitted that the country was threatened by dangers of the most formidable nature; while they contended that nothing but the most vigorous exertion could protect the interests of the empire, they argued that no harm would arise from delaying the supplies for the army and navy at so critical a moment. True it is, that the country is placed in the most perilous and alarming state, and that every effort of the national energy is necessary to meet the danger. True it is, that a confederacy has been formed against our independence, and even our existence as a great nation, of a nature unprecedented in any period of our history, and that extraordinary exertions alone can enable us to destroy its power; yet delay in granting the supplies which are to create these exertions, we are given to understand, will be attended with no inconvenience! At this moment, when it is allowed to be of the deepest importance that every department of the public service should be accelerated to the greatest possible degree, it was thought requisite that the supplies should be delayed, and that the machine of government should be suspended, because the new administration might be temporary and unstable! Of all the modes that could be proposed at the present moment, that now brought

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forward was surely the last that could be adopted. Such a mode, he felt it his duty to state, from his particular knowledge, would be attended with the most serious inconvenience to the public service. He knew not what might be the inference from this declaration; but if it was mistaken, he should feel himself afterwards at liberty to explain what he had stated. The estimates now produced had already been delayed from circumstances which it was not necessary at present to mention; and if any farther delay took place, it would be impossible to carry into effect those measures which former votes of the House had sanctioned. He felt it his duty further to state, that if such a delay now took place, it would be impossible for him to retire from the office he had held till these votes had been passed.—Without now detailing the circumstances which had determined him to retire from that office, it was sufficient to say, that, when he had formed this resolution, he had at the same time conceived it to be his duty not to resign till he had taken an opportunity to fix the supplies for the year, and to explain that plan which he had in contemplation for the public service. Having formed this determination, it was necessary, that previous to his retiring from office, the estimates should be formed, and therefore it was of consequence that they should be passed as speedily as possible. But the proposed delay had been defended on the principle, that, at this moment, there were no persons publicly responsible for the measures of government, and that ministers might screen themselves from inquiry by pretences of particular plans having been formed by a previous administration. But though the present ministers were to retire from their official situations, he was convinced that they would never be far out of the way when any inquiry was proposed to be instituted into their conduct. For himself, though he had resigned his official station, he should ever be ready to attend in his place when any part of his personal conduct came to be considered, or when any question involving the interests of the empire was to be discussed. But the objection was farther founded in misapprehension, in supposing that the new ministers would have no responsibility, because the supplies had been voted before they entered on office, since undoubtedly responsibility must of necessity be vested in those under whose administration these supplies were expended. But the hon. gentleman had farther endeavoured to support his objections, by considerations drawn from the character of those who were to enter on power. He had said, that if those who were to succeed the present administration had been known to be persons of different principles; if they had been persons who, on commencing their official career, had given pledges of attachment to another system than that which had been long pursued, he would then have felt some degree of consolation, and less disposition to have withheld the necessary supplies. This might, with a gentleman possessing the principles which he had avowed in the House, be a very natural feeling; but candour compelled him to say, that, even on this supposition, delay was not necessary; because, until their appointments were publicly notified, it was inconsistent with the constitution to come to any determination. In no previous instance had it been attempted to be denied, that, according to the constitution, his majesty had the sole right of nominating his ministers, and that the House had no right to form any resolution till their conduct came to be judged of by the acts of their administration. Even in 1784, this general principle had never been attempted to be denied in the abstract; but the address then proposed was founded on the circumstance, that the new appointments were contrary to the formerly declared votes of the House. But how did the fact now stand in this respect? There was no call for the interference of the House, either from a change of measures or of men. The measures that were likely to be pursued, were those which the House had repeatedly sanctioned by their votes. Of the men, it was perhaps incompetent for them to speak, because who the greater part of them were, could not yet be known, except by general rumour. One individual was, however, known; and what was it that was known of his character? When the vote of thanks was moved for to this right hon. gentleman, he had professed an unwillingness to intermix any political allusions, because he considered them to be foreign to the purpose of the motion. Now, however, this did not apply, and at present it was fully competent to him to state what might be expected of the right hon. gentleman from the retrospect of his past conduct. He had already filled one situation of great importance with the most

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distinguished ability, and this was the surest augur of his services, in another exalted situation. It was impossible, indeed, to draw a certain inference from this circumstance; but it would be a singular thing, if, from this previous knowledge of his talents, we were to admit the only fact to be true, of the truth of which we have no experience. From three successive parliaments had he received the most decided testimonies of approbation, and to-day he had received the honourable testimony of admiration and gratitude. In refusing, then, to go into the committee, the House would be questioning the propriety of all that they had formerly decided, questioning all that was the best ground of sanguine expectation, and questioning the exercise of the clearest prerogative of the crown.

Mr. *Western* said, he did not profess to have a perfect knowledge of the extent of the changes that had taken place, nor of those whom rumour had designed to form the new ministry; but from what he did know, he was by no means inclined to give them support. He was convinced that there never was a change which was so universally unsatisfactory. From what was known of the new set, they were persons who held inferior situations under the former ministry,—mere creatures raised into public notice by the patronage of the right hon. gentleman, and who entered on office with the avowed resolution of supporting the system which had reduced the country to its present distress. Not only were they disposed to prosecute whatever was most disastrous in the old system, but to oppose measures which even their predecessors had viewed to be necessary for the tranquillity of the empire. They came into power with the avowed design of disappointing the well-grounded expectation of a numerous class of the community, and of retaining whatever was most detestable in the system of narrow policy.

Mr. *Whitbread* characterised the speech of his hon. friend (Mr. Harrison) as worthy of the good old times of the constitution. The right hon. gentleman had endeavoured to represent his hon. friend as having a desire to impede the public service. Nothing could be more unreasonable than this accusation, since the supplies were actually voted up to the 5th of April. Equally had the right hon. gentleman misrepresented the other parts of his hon. friend's speech. It was not his intention to intrench on the right of the crown in the appointment of ministers. He had stated, however, the true constitutional doctrine on this subject, that the House had a right, if they disapproved of the measures of those appointed, to refuse the supplies. Let the House see, then, who were the persons by whom the supplies were to be expended. Let them hear the new minister in his place state what his views and principles were, and then let them decide whether he was worthy of their support. He did not consider the new set of ministers as likely to be at all inferior to those who were about to retire. In point of talent, general economy, or regard to the rights of the people, no men could act worse. At all events, he viewed the dissolution of the right hon. gentleman's administration with pleasure, and thought that it held out a faint prospect of the return of better times.

Mr. *Buxton* thought, that, from the well known character of the new chancellor of the exchequer, there was every reason to anticipate a favourable reception to his administration.

Mr. *Hiley Addington* was unwilling to dwell on the merits of his right hon. relation; but, from the opinion which the House entertained of his merits in another capacity, it was not, perhaps, too much to expect at least that his future conduct would not be much exposed to censure. One simple request he would now make; it was, that his right hon. relation might not be prejudged; but that, till proofs to the contrary were produced, an expectation might be entertained that he would act in such a manner as to ensure the continuance of that favour which he had already so liberally experienced.

Mr. *Hobhouse* adverted to the encomium bestowed by Mr. Pitt on the measures of the House for many years past. They were the measures of his own administration, on which his speech was a studied panegyric. He had spoken of the salutary consequences of his administration, but in what quarter were they to be discovered? Had he not unnecessarily plunged the country into a calamitous war? had he not shown a total want of wisdom in the mode of conducting it? had he not neglected many excellent opportunities of negotiating? and when he did negotiate, were there not in him the most evident marks of insincerity? Under his administration the liberties of the country had been almost anni-

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hilated—the constitution had been defaced: he had taken away the means of the people's assembling together to deliberate; and the hollow silence of despair was adduced as an evidence of general satisfaction and national happiness. Persons had been kept in prison for these three years past under the suspension of the Habeas Corpus act, who had a right, as Englishmen, to be tried if they had committed any crimes, but who languished in confinement, without any charge against them, at the will of the minister. When he heard the right hon. gentleman dwell with transport upon the salutary consequences of his administration, he must enter his solemn protest; and when the day of investigation should arrive, he trusted that the right hon. gentleman would experience a severe scrutiny into his conduct.

Mr. *Dundas* said, that the hon. gentleman had severely reprobated a variety of acts of parliament that had been assented to by a great majority of the House; yet the hon. gentleman endeavoured invidiously to represent them as the acts of ministers only. As to what might be directly charged against ministers, he, for one, was prepared to say, that whenever any charge was brought against them, those ministers would not shrink from an investigation into their conduct.

Mr. *Nicholls* was ready to acknowledge, that it was the undisputed prerogative of his majesty to name what ministers he thought proper, nor would he concur in opinion with a noble earl (Carlisle) in denominating the ministry that was coming into office a weak and ricketty administration. For his part, he was ready to place his confidence in the man appointed as minister by his majesty, until, by his declarations and acts, that man should show himself unworthy of confidence. But if it was the undoubted prerogative of his majesty to name his ministers, it was no less the indispensable duty of the House to inquire into the intentions that were to direct ministers, before they proceeded to vote the supplies. The House were told, that the new administration were to persevere in the system of their predecessors. He must beg leave to ask, to what extent was that system to be adhered to? Was the country to have no peace till the *ancien régime* of France was restored? Was the new minister to make no attempt at peace, lest an intercourse should be re-established between this country and France, which would favour the introduction of Jacobinical principles? Was the new minister prepared to prosecute a perpetual war, merely to prevent the introduction of this political plague and infection? Was this the principle he was to proceed upon? If not, let the House distinctly know what it was, before they proceeded to grant the supplies. Nothing but peace could satisfy the country. It must be, he knew, an inglorious peace, in the unhappy state to which the country was reduced by the late administration. But he demanded of the new minister peace, on the best terms he could get. Let him procure that, and he should have his thanks, his confidence, and support. There was one circumstance new in our present situation. After reducing the country to a state of famine and bankruptcy; after having, by their arrogant conduct, raised against us a confederacy of all the states of Europe, ministers had retired from office, suggesting reasons for their conduct which, while they were calculated to acquire popularity for themselves, must necessarily render their sovereign odious to a large portion of his subjects.* They retired, not because they

* About this time the following Papers were circulated as copies of communications made by Mr. Pitt to the marquis Cornwallis, and by the latter to the Catholic nobility and gentry of Ireland.

MR. PITT TO LORD CORNWALLIS.

"The leading part of his majesty's ministers, finding innumerable obstacles to the bringing forward measures of concession to the Catholic body, while in office, have felt it impossible to continue in administration under their inability to propose it, with the circumstances necessary to carry the measure with all its advantages; and they have retired from his majesty's service, considering this line of conduct as most likely to contribute to its ultimate success.

"The Catholic body will, therefore, see how much their future hope must depend upon their strengthening their cause by good conduct in the mean time. They will prudently consider their prospects as arising from the persons who now espouse their interests, and compare them with those which they could look to from any other quarter. They may, with confidence, rely on the zealous support of all those who retire, and of many who remain in office, when it can be given with a prospect of success. They may be assured that Mr. Pitt will do his utmost to establish their cause in the public favour, and prepare the way for their finally attaining their objects;

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had been out-voted in the cabinet; not because they had lost the confidence of the House; but because they had found obstacles, in a certain quarter, to that emancipation of the Catholics, which they had pledged themselves to obtain.

Mr. *Pitt* thought it unnecessary at the present moment to enter into any explanation respecting the cause of his retiring, as that subject might be the matter of future discussion. He now rose merely to say, that the insinuations thrown out by the hon. gentleman were more than unfounded. That hon. gentleman was pleased to suppose, that he had given a specific pledge, for the conduct of the new administration. He must, in the first place, deny having given any such pledge, and in the second, he must say, that no fair and candid man could have so interpreted his expressions. He had delivered no opinion on the future conduct of his successors; he had merely argued, that it was singular that the House should be called upon to censure what they had before approved. Neither had he ever said, that the new administration was never to make peace, until what the hon. gentleman was pleased technically to call the *ancien régime* of France was restored. The ministers about to retire had never made such a declaration; on the contrary, they had uniformly disclaimed any such intention.

Mr. *Sheridan* said, that it must undoubtedly be the opinion of every member, that the awful crisis in which we were now placed, called upon ministers for an explicit declaration of their intentions; yet sorry he was to observe, that on a subject the most important, they only endeavoured to add juggle to juggle, and to refine upon ingenuity of prevarication. As to the manner in which the right hon. gentleman explained his reasons for going out of office, he taxed it with prevarication; because, if he was conscious of having gone out upon sound and constitutional grounds, he would not have recurred to such explanations. The charge brought against him by his hon. friend was, that he had been out-voted in the cabinet or that House; and that, nevertheless, he retired, because his majesty refused to adopt the advice of his council on the question respecting the emancipation of the Catholics. This surely was more than insinuating an odious charge against his majesty. The question, indeed, was delicate and difficult in the extreme. It was not his intention to press it forward on the present occasion, since a day was to come when the right hon. gentleman was to come forward with a more explicit avowal of his sentiments. —The question mooted by his hon. friend was, upon what grounds were the new administration to be supported; upon what declarations were the supplies to be granted to them? Was the war to be conducted with languor and inertness? Were the supplies to be squandered away as hitherto? To these questions an answer was demanded, but none was received: on the contrary, while the right hon. gentleman was preparing to go out of office, in a manner the most unconstitutional, leaving the country at war with the world, with scarcely a single ally, involved in a debt of 300 millions, and widowed of 200,000 men, he did not blush to congratulate the House on its prosperity. The right hon. gentleman took great pride to himself for the assistance which he was about to lend to his suc-

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and the Catholics will feel, that as Mr. Pitt could not concur in a hopeless attempt to force it now, that he must, at all times, repress with the same decision as if he held an adverse opinion, any unconstitutional conduct in the Catholic body.

"Under these circumstances it cannot be doubted that the Catholics will take the most legal, dutiful, and patient line of conduct; that they will not suffer themselves to be led into measures which can, by any construction, give a handle to the opposers of their wishes, either to misrepresent their principles, or to raise an argument for resisting their claims".

Sentiments of a sincere Friend to the Catholic Claims,

(Lord Cornwallis.)

"If the Catholics should now proceed to violence, or entertain any ideas of gaining their object by convulsive measures, by forming associations with men of Jacobinical principles, they must of course lose the aid and support of those who have sacrificed their own situations in their cause, but who would at the same time feel it to be their indispensable duty to oppose every thing tending to confusion. On the other hand, should the Catholics be sensible of the benefit they possess by having so many characters of eminence pledged not to embark in the service of government, except on the terms of the Catholic privilege being obtained, it is to be hoped, that on balancing the advantages and disadvantages of their situation, they would prefer a quiet and peaceable demeanour to any line of conduct of an opposite description."

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cessors in office. It was triumphantly asked, whether our allies and the people would not look for the same degree of vigour and ability from the new administration, standing on the same ground and fighting the same battle? He must certainly reply in the negative. When the two right hon. gentlemen (Messrs. Pitt and Dundas), and a noble earl (Spencer) should be removed, there would certainly be a great defalcation from the vigour and abilities of the cabinet. The reasoning on this occasion was of a singular description. When the crew of a vessel was preparing for action, it was usual to clear the decks, by throwing overboard the lumber; but he never heard of such a manœuvre as that of throwing their great guns overboard. When an election committee was formed, the watchword was, to shorten the business by knocking out the brains of the committee. This was done by striking from the list the names of the lawyers and other gentlemen who might happen to know a little too much of the subject. In this sense, the right hon. gentleman had literally knocked out the brains of the administration; and then clapping a mask on the skeleton, cried, "Here is as fine vigour and talent for you as any body may wish to see." This empty skull, this skeleton administration, was the phantom that was to overawe our enemies, and to command the confidence of the House and the people. If it was promised, that the new administration was to adopt the very reverse of the measures of their predecessors; then, indeed, might they aspire to the unbounded confidence and esteem of the nation. But while more than a doubt was entertained of their principles and opinions, where was the inconvenience of withholding the supplies for a few days?

Mr. *Pitt* said:—I have been accused of having refused to give the House any explanation upon the subject of my resignation. Sir, I did not decline giving the House an explanation upon that subject; but I must be permitted to observe, that it appears to me to be a new and not a very constitutional doctrine, that a man must not follow his sense of duty—that a man must not, in compliance with the dictates of his conscience, retire from office, without being bound to give to this House and to the public, an account of all the circumstances that weigh in his mind and influence his conduct. Where this system of duty is established, I know not. I have never heard that it was a public crime to retire from office without explaining the reason. I therefore am not aware how it can be a public crime in me to relinquish, without assigning the cause, a station which it would be the ambition of my life, and the passion of my heart, to continue to fill, if I could do so with advantage to the country, and consistently with what I conceive to be my duty. As to the merits of the question which led to my resignation, though I do not feel myself bound, I am willing, to submit them to the House. I should rather leave it to posterity to judge of my conduct—still I have no objection to state the fact. With respect to the resignation of myself and of some of my friends, I have no wish to disguise from the House, that we did feel it an incumbent duty upon us to propose a measure on the part of government, which, under the circumstances of the union, so happily effected between the two countries, we thought of great public importance, and necessary to complete the benefits likely to result from that measure: we felt this opinion so strongly, that when we met with circumstances which rendered it impossible for us to propose it as a measure of government, we equally felt it inconsistent with our duty and our honour, any longer to remain a part of that government. What may be the opinion of others I know not, but I beg to have it understood to be a measure which, if I had remained in government, I must have proposed. What my conduct will be in a different situation, must be regulated by a mature and impartial review of all the circumstances of the case. I shall be governed (as it has always been the wish of my life to be) only by such considerations as I think best tend to insure the tranquillity, the strength, and the happiness of the empire.

The motion for going into a committee, was then put and agreed to.

Mr. Addington thanked.] Feb. 17. The right hon. Henry Addington being come to the House, Mr. Speaker addressed him as follows:

"Mr. Addington;—The House have unanimously resolved, That the thanks of this House be expressed in the strongest terms to you, Sir, for the exemplary and distinguished manner in which you discharged the duties of Speaker during

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the whole of the period in which you filled the Chair of the House of Commons: that you be assured that the proofs which you have uniformly given of attachment to the constitution, the steadiness with which you have maintained the dignity and privileges of this House, the ability, integrity, and unremitting attention to parliamentary business, which have marked the whole of your conduct, justly entitle you to their approbation, respect, and gratitude; and it is my duty to convey to you the thanks of the House, according to this resolution. In discharge of this duty, if I were to indulge my private feelings, I should easily find topics on which to expatiate. But I am to thank you for your conduct in this Chair, and on that subject the resolution itself amply conveys the opinion of the House. If I were to endeavour to give their sentiments in other words, I should probably only weaken the force of the expressions which they have used; and I will not therefore attempt to convey to you their thanks in any language but their own."

Upon which Mr. *Addington* said;—"Mr. Speaker, It is with sensations of the most respectful and heartfelt gratitude, that I receive the testimony of approbation which you have communicated to me, in obedience to the commands of the House. To enjoy their good opinion was my pride and comfort during my continuance in their service; to experience such a proof of it as has been afforded me upon the present occasion, is indeed the highest honour, and the most gratifying reward. Being only conscious of having discharged my duty with zeal and fidelity, I feel a satisfaction, which I am unable to express, in being allowed to indulge the hope, that the Chair, in which you preside, has not lost, by my conduct, any portion of that dignity and authority which are so essential to the well regulated freedom of debate, as well as to the rights and privileges of the representatives of the people, and which you, Sir, I am sure, will ever be disposed to maintain. My best acknowledgments, Sir, are due to you, for the manner in which you have been pleased to execute the orders of the House: to the House itself I owe every obligation which can bind the duty, veneration, and attachment of an individual to the first public body in the world."

Debate in the Commons on the Budget.] Feb. 18. The House having resolved itself into a Committee of Ways and Means,

Mr. *Pitt* spoke nearly as follows:—Sir, in submitting to the committee the estimates of the provisions which will be necessary for the services of the present year, it will be my duty to call their attention, first, to those parts of them which, under the arrangements which were made at the time when the Union between the two countries was happily effected, are to be jointly defrayed by the two countries. I shall, therefore, in the first place, state the charges for which it is necessary to provide, and then the manner in which I propose they should be defrayed. Under the head of supply the first thing to be noticed are, the sums which have been granted to the service of the navy. There has already been voted for that service, 15,800,000*l*., which exceeds by 2,200,000*l*. the sum which was last year voted for that service. The reasons for this increase I alluded to on a former occasion. In the first place, the number of seamen has been considerably augmented, it having been judged necessary to carry this part of the force of the country to the greatest extent. For the army, the sum already voted is 9,617,000*l*. for Great Britain, the sum voted last year for this service was 8,500,000*l*. This increase arises from an augmentation, which it was judged necessary to make. There was also a sum voted last year, beforehand, of 2,500,000*l*. for the extraordinaries, and the same sum had been estimated as necessary for the present year. This will make the sum necessary to be provided for the army, on the part of Great Britain, 12,117,000*l*. The sum necessary for the same service for Ireland, will be 3,785,000*l*. making the whole sum to be defrayed on the united kingdom, for the army, 15,902,000*l*. For the ordnance the charge for Great Britain is 1,639,000*l*. and for Ireland, 299,000*l*. making together 1,938,000*l*. The next head is that which is called miscellaneous services. The sum necessary for Great Britain, will be 550,000*l*. and for Ireland, 207,000*l*. making together 757,000*l*. It has been usual to grant a vote of credit for extraordinary emergencies that may occur, and which cannot be foreseen when the estimates are forming. The sum which I shall propose to vote for this purpose, is 800,000*l*. I do not think there will be any occasion for subsidies in the present situation of Europe. These, Sir, with the exception

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of one article, are all that are to be jointly defrayed by the two countries. The article I alluded to is, the Irish permanent grants, which amount to 390,462*l.*; the whole, therefore, of the sum which is to be defrayed by Great Britain and Ireland for the service of this year, will be 35,587,462*l.* Of this sum the part to be borne by Great Britain will be 15-17ths or 31,400,702*l.* and by Ireland, 2-17ths, or 4,186,760*l.* There is one part of a charge which will fall partly upon Ireland, not enumerated, and that is, the share which Ireland must take in our peace establishment. The permanent charge in this country for the civil list, and other charges on the consolidated fund, not relating to the public debt, must be allotted in its due proportion. This sum amounts to 1,170,000*l.*, of course the sum which will fall upon Ireland will be 137,000*l.* This will make the whole burthen falling upon Ireland amount to 4,324,000*l.* Whatever else remains, with the exception of the national debt of Ireland, is to be provided for by Great Britain.

I shall now proceed to state those charges which fall separately upon her; and these are such as arise from causes before the 1st of January, 1801, the day on which the Union took place. It is, Sir, with very great concern I state, that these charges are from causes which are unfortunately too notoriously, extremely heavy. I mean, the effects which have been produced by the unfavourable seasons that we have experienced. The defalcation in the revenue arising from these causes, I do not think it right, under a fair and liberal construction of the articles of union, to call upon Ireland to bear any share in; because it appears to me, that if any separate charges are brought forward, which originated in causes existing before the union took place, they ought to be borne by that part of the united kingdom in which that separate charge arose. Of these defalcations, the first which I have to state to the committee is, the deficiency of the income tax, which I last year stated as being likely to produce 7,000,000*l.* and accordingly took credit for that sum. Though, when I made that estimate, I conceived I had good grounds for the calculation which I made, yet I do not think I should now be justified in taking its produce at more than 6,000,000*l.* The next sum to be made good is the discount allowed upon the loan and the lottery, which amounts to 200,000*l.* The deficiency of the malt duties for 1799, up to the 5th of April 1800, amounts to 400,000*l.* There were exchequer bills issued upon the credit of the additional assessed taxes of 1798, of the duties on exports and imports in 1799, and of the income duties of 1799. A considerable part of these duties having not yet been paid in, it is impossible to judge how much of them may be ultimately satisfied: therefore, I think the best way will be to compare the assessment, deducting the charges of management, with the sums which had been satisfied, and to provide for the deficiency; and for this purpose I shall propose to vote a sum of 1,350,000*l.* The next deficiency for which we have to provide is in the consolidated fund. I know, Sir, that, under the present circumstances, it is a discouraging thing to state a deficiency in the growing produce of the consolidated fund; but that impression will cease when I state, that the deficiency arises merely from temporary causes, which must be obvious to the committee, and which have occasioned the defalcation of the duties upon malt and beer; and that, by an act of the legislature, made with a view to alleviate the public pressure, the revenues had been diminished by a considerable deduction from the duties on British spirits. These causes have not only decreased the public revenue in this direct manner that I have stated, but they must have had a considerable effect upon the other taxes. I shall, therefore, propose to make an effectual provision for it, by voting 3,000,000*l.* for the payment of these exchequer bills. It will also be necessary to provide a sum of 460,000*l.* for the interest of exchequer bills. The last sum which I have to notice, as part of the charge which is to fall separately upon England, is one which this House has continued to vote for many years, under all the pressure of this expensive war. I mean, the sum of 200,000*l.* to the sinking fund, for the reduction of the debt; a sum at which, I trust, it will always be continued. I have now, Sir, stated all the charges which belong exclusively to England, making together the sum of 6,610,000*l.* The whole charge of the two countries for the service of the year will then amount to 42,197,000*l.* which will be divided between the two countries thus: Great Britain, for its fifteen seventeenths of the joint-expense, and those

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charges which belong separately to her, will have to defray 37,870,000*l.*, and the charge falling upon Ireland will be 4,324,000*l.*

Mr. Pitt having stated all the sums requisite for the supplies of the year, and the proportions in which they were to be borne by the two countries, submitted to the committee the Ways and Means. These he showed would stand thus:

	£
Taxes on sugar, malt, and tobacco	2,750,000
Lottery	300,000
Income duty, deducting the interest with which it stands charged	4,260,000
Duty upon exports and imports	1,250,000
Surplus of the consolidated fund	3,300,000
To be provided by Ireland	4,324,000
Sum not issued for subsidies	500,000
Surplus of grants	60,000
	£16,744,000

There remained then a sum of 25,500,000*l.* to be raised by way of loan. There was a rivalship between two great parties which should take the loan. They had taken it without premium or bonus, except the discount on prompt payment. The terms were 125 consols, valued at 70*l.* 15*s.*—50-15 reduced, value 29*l.* 5*s.* for every 100*l.*

The first tax proposed, for paying the interest of the loan, was an additional duty on tea above 2*s.* 6*d.* per pound, of 10 per cent, *ad valorem*, which he calculated would produce the sum of 30,000*l.* The next tax was on the article of paper, the present duty on which he proposed to double: providing an exception, however, in favour of paper-hangings, and glazed paper, used in particular manufactures, and allowing a discount, to the full amount of the duty, on all paper used in the publication of diurnal prints. The produce of this tax he estimated at 130,000*l.* He proposed that the drawback on the exportation of calicoes be taken off, and that the present duty of twopence-halfpenny per yard, be advanced to threepence-halfpenny, which would amount to 155,000*l.*, making the total of the excise 586,000*l.* On the tax on timber, staves, and deals, he proposed an increase of one-third, which increase he estimated at 95,000*l.* The export trade of pepper, the whole of which was, in fact, in our hands, he also considered as a proper article of taxation. On all exports of every kind he proposed a tax of sixpence per pound, which, he calculated, would produce 104,000*l.*; and on all articles consumed at home a duty of threepence in the pound, which he estimated at 15,000*l.* This increase of the import or exports, and home consumption, might be expected to make up, together, the sum of 119,000*l.* An addition of twenty-pence per cwt. on sugar, he expected to produce 166,000*l.* A duty on raisins would produce 10,000*l.*; and a duty on lead 120,000*l.*—The next tax Mr. Pitt proposed was, an additional duty on horses of every description, not excepting even those employed in agriculture: though that on the latter would only be to a small amount. On every horse employed in agriculture, he proposed an additional duty of 4*s.* for each, which would produce the sum of 136,000*l.* On pleasure-horses, where only one was kept, an additional duty of 10*s.* for each, which would produce the sum of 170,000*l.*; making the additional tax on horses, 306,000*l.*—An increase of one-half of the existing stamp duty on all bills and notes, he estimated at 112,000*l.* To double the present duty on all policies of insurance in shipping transactions, would produce 145,000*l.*—On all deeds of conveyance of property, which bore, at present, a tax of 10*s.* per skin, he proposed to place an additional duty of 3*s.* per skin, which would produce 93,000*l.* Total amount of additional stamp duties, 350,000*l.* The next and the last subject of taxation to which Mr. Pitt called the attention of the House was one, he observed, in which the revenue was raised in a way the most satisfactory, and the most consistent with the interests of the people: for it was only a duty on that which individuals found more convenience in, than could be obtained by any other mode they could adopt; and for which they paid, in proportion to the expense of any other convenience, very little indeed. By paying to the public, in the article alluded to, individuals paid infinitely less than they would be obliged to pay, if they were to take the thing upon themselves. The duty he meant was that on the postage of letters. Various regulations respecting distances, cross road posts, packets to Ireland, foreign letters, and enclosures in foreign letters, it was estimated would produce a revenue of 80,000*l.* With re-

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spect to the penny-post, Mr. Pitt proposed that the present rate should be doubled: that is, that, instead of a penny, every letter should, in future, be charged two-pence. The produce of this additional penny was estimated at 17,000*l.* The whole produce, to be drawn from the new post-office regulations, he estimated at 150,000*l.*

RECAPITULATION.

	£.
Excise	586,000
Customs	402,000
Horses	306,000
Stamps	350,000
Post-office regulations	150,000
Total amount of new taxes...	£1,794,000

And the sum to be provided as interest of the loan, 1,785,000*l.* or thereabouts.

Mr. Pitt having described the flourishing state, and favourable prospect of the finances, asked what had been the permanent effect of our antecedent permanent revenue? and what even now, after much disadvantage, which was clearly to be attributed to the seasons, which they all knew to have been so unfavourable? The amount of our permanent taxes exceeded, on the 5th of January last, that of January, 1800. January, 1801, might be called the era of our prosperity as well as trial. At this period, our imports and exports were more than they were in the year 1791. If we looked at the state of the debt, we had abundant consolation: for, struggling, as we had been, with difficulties, and increasing a debt, which we could not have avoided, yet, by a rigid and scrupulous adherence to the system long since adopted for the discharge of that debt, according to the engagement we had entered into with ourselves, in the year 1786, we had paid off no less a sum than 52,000,000*l.* of the capital of our debt: a sum which, but for that engagement, and our scrupulous adherence to it, would have been now a burthen to the people of this country. The total amount of our sinking fund was 5,000,000*l.* annually. Of the burthens imposed on us by this unexampled war, more than one-half had been employed, not in supporting ourselves, under engagements entered into by ourselves, but to pay the debts contracted by our ancestors. In former times, the course was, to make comparisons of the revenue of a year of war with that of a year of peace, by way of showing how productive some years of war had been; but now the climax was not that of going from a year of war to a year of peace, to show the flourishing state of our commerce and revenue: the course must be that of comparing one year with another; for the war had been attended with a constant increase of our commerce and revenue: so that we were distinguished by our prosperity, commerce, and naval superiority, above all the other nations of the world. And it was singular, but not more singular than true, that very year, though we had suffered so much, and that recently, from unfavourable seasons, the present year, 1800-1801, was the proudest that the country had ever known with respect to its commerce. It might well be matter of wonder to some, though it was not to others, that, in spite of all the alarms, lamentations, and momentary despondency, which had been so industriously pressed on the minds of the people, from circumstances too well calculated to have that effect, this country should be the only one in Europe, that had, in this great struggle, the memory of which would be dear to the world, preserved the full benefit of a constitution, which was adapted to support the public liberty and private happiness of a people, who had shown their affection for a sovereign, that had, at all times, shown for them the feelings of a father. A people which had shown a vigour and a firmness, worthy of being guided by the wisdom of such a parliament.

The several Resolutions were then put and agreed to.

Debate on Mr. Sturt's Motion respecting the Failure of the Expedition to Ferrol.] Feb. 19. Mr. *Sturt* rose, in pursuance of the notice he had given, for the purpose of submitting a motion to the House, which he trusted every member would feel it a duty incumbent upon him to support. He should say nothing which might wound the feelings of the hon. general who had conducted the expedition, or of the right hon. gentleman who was supposed to have planned it. What he should contend was, that when such a vast and expensive armament had brought nothing but disgrace upon the country, the country had a right to demand that an inquiry should be instituted into the causes of its failure. A right hon. gentleman had said that so far from disgrace,

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the expedition redounded to our honour and advantage. He wished it might appear to be so; but it was only by going into an inquiry that that would be proved to be the case. The fact was, that blame lay somewhere; and with whom ought immediately to be ascertained. After having spent the spring and summer in complete inactivity, in September, an expedition, consisting of about eighty sail, sat off for the coast of Spain: 11,000 men were landed at Ferrol, and ascended the heights above the town without meeting with any resistance. It had been said in the official dispatches, that they had landed to inspect the strength of the place. But why set on shore for such a purpose 11,000 men? Would not 2,000 or 200 have answered the purpose equally as well? They met with nothing but skirmishes. Their success was rapid and complete. An officer of engineers, who was at the head of that department, congratulated the general, and assured him that he would in a few hours be master of the place. In fort St. Philip there were not more than fifty men, and it might have easily been taken. The 52nd regiment likewise wished to take possession of Grana, and would have done so had it not been that their colonel was wounded. In this place large arsenals and immense quantities of provisions would have been found; and, if they had taken fort St. Philip the work would have been accomplished. Yet the troops lay idle on their arms. He did not pretend to give any opinion; but he maintained that there was great difference of opinion, and that the matter ought to be thoroughly investigated. It would have been nothing more than becoming, had the hon. general himself demanded a court of inquiry. What had happened was disgraceful to the English name. He knew that great difference of opinion existed among the officers, with regard to the orders to re-embark, and that one part of the service had expressed a very strong opinion. The naval officers said, they could have taken most of the forts themselves, and entered the harbour without much assistance. The alarm which prevailed within the town was extreme; as it was a well-known fact, that the municipality had assembled and come to the resolution of surrendering on the first summons. It did appear a little strange, that the hon. general had never summoned them. He confessed, that, notwithstanding all this, he was not very sanguine as to the success of his motion. Yet if the House regarded their duty to the officers of the army, to the officers of the navy, and to the public at large, they must cordially support it. When a council of war was called to consider of the propriety of abandoning the enterprize, this officer of engineers, who had undertaken to put the general into possession of the town, with the loss of 200 men, was not summoned to attend it. Why was he not called, and why was not his advice followed. The place was surely worth 200 men. There were in the harbour 34 sail of the line, besides several frigates, and a great many merchants vessels richly laden. The enemy were quite unprepared, and this rich prize was within our reach. A regiment which was marched at a redoubt near fort St. Philip, gave three cheers when they came in sight of it. But instead of being allowed to follow up their advantage, they were ordered to take shelter behind a stone wall. A fort which considerably retarded the operations of the army, the naval officers offered to take with a detachment of sailors, but their offer was rejected. The indignation was so great among the men when they were ordered to re-embark, that it almost broke out into mutiny. However high the character of any general might be, these were transactions that ought to be inquired into. When the troops were re-embarked they sailed for Vigo, and there the tars cut out a privateer, as they said to show their commander how to take a thing. One of them being asked, what he thought of the expedition; said, "I don't think as how a French general with 500 men would have left Ferrol without taking it." Before the destination of the expedition was known, the general had said, they were going to gather laurels. How great must their disappointment have been! The prediction seemed about to be fulfilled, when they were ordered away with disgrace. Mr. Sturt then proceeded to read a number of letters, which he had received from officers employed in the expedition, which seemed to bear him out in his statements. Having commented upon these, and insisted upon the necessity of an inquiry, he concluded by moving, "That the House do resolve itself into a committee of the whole House, to inquire into the Causes of the Failure of the Expedition to Ferrol."

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Sir *James Pulteney* said:—I trust, Sir, that it will be needless for me to make any apology, for taking the earliest opportunity of offering myself to your notice. After what has been repeatedly said, on the subject of the present motion, the House cannot be astonished that I should be anxious to embrace the first opportunity of stating to it the real grounds on which I acted. But however anxious I naturally feel to state to the House my ideas on the present occasion, did such a statement lead to any disclosure of his majesty's instructions to me, or tend to an exposition of any of the important political objects with which these instructions were connected, I should have found it my duty to have submitted with patient fortitude to the imputations that have been thrown out, and to all the clamour that has been raised. But as I am clearly of opinion, that what I mean to offer to the House can have no such tendency, I feel myself enabled to state it in a full and I trust a satisfactory manner.

I think I shall suffer no contradiction when I say, that all expeditions of a nature similar to that against Ferrol, are undertaken under circumstances of greater difficulty and hazard, than any other line of military operation. That they are of a nature, however hazardous, frequently connected with the views of this country, and absolutely necessary to be attempted on many occasions, I am thoroughly convinced: but at the same time that I feel the necessity and propriety of such attempts, I may be permitted to say, that he would indeed ill execute his duty to his country, who did not feel, in the strongest manner, the danger of the service on which he was embarking, and the risk of the enterprize he was about to undertake. The nature of this risk, and of that danger, is a point upon the present occasion to be most seriously attended to. It will not, I hope, be conceived that I mean in the smallest degree the danger, or risk of losing a certain number of men, more or less, which, however to be lamented, is the inevitable fortune of war; but what I allude to, applies to that extensive view of the subject which falls to the consideration of the commander in chief, who must regard the danger as connected with the general preservation of his corps, and consider whether the object to be gained is of sufficient magnitude to warrant the extent of the general risk to be run. Had I conceived that the chance of taking Ferrol came within any fair calculation, and had refrained from the attack merely from a consideration of the loss of 200 men, spoken of by the hon. gentleman, or even of a much greater number, I should have felt that I had not only been wanting in my duty to my country, but that I deserved much of the imputation which has been spread abroad. But when, after mature deliberation, I found that an attack presented no rational chance of success, and that a failure involved not merely the loss of those who might fall in any attack or siege, but eventually the loss of a considerable part, if not the whole, of the corps under my orders, I found it my duty not to hazard an enterprize, where the chance of success appeared to be desperate, and the event of a failure would have compromised the general safety of the corps I had the honour to command. For, without entering into the tenor of my instructions, gentlemen may easily imagine, that it never could be the intention of any government to expose to imminent hazard a body of troops, the loss of which would not only have defeated every other object of the campaign, but would have been a severe blow to the country, and a material diminution of its effective force.

The grounds upon which I formed this opinion, I can explain to the House in a very few words, and in so doing, I shall only mention notorious facts, or, in every thing material, rest upon such documents, and use such means of information, as are within the reach of every member, without claiming the smallest credit for any assertion of my own. It will be needless to state the success with which our landing was effected; that has been already mentioned by the hon. gentleman: for the same reason it is needless to state, that all opposition in our progress to the heights above Ferrol, was defeated by the gallantry of his majesty's troops. The possession of these heights gave me a full opportunity of observing the whole situation; and the result of that observation was, decidedly, not to hazard any attack; as I found that the works of the place were of a nature, in my opinion, to defeat the possibility of a *coup de main*, and I found that the troops to defend those works were more numerous than I had expected. The number of troops which I, from my own observation, and from the reports of other officers, and information

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of prisoners, ascertained to be opposed to us, in the morning, I mean in and out of the town, amounted to at least 6,000 men; a number much greater than was necessary, completely to defend the works round Ferrol; and this was the number I mentioned in a private letter written to Mr. Dundas the day after we re-embarked.—As to my observation of the town, I saw that it was covered on three sides by the sea, or arms of the sea; the fourth side, which has an extent of about 2,000 yards, is regularly fortified in masonry, having in that space seven bastions, besides other flank defence. The bastions have a great elevation, and upon the curtain, which connects these works, is raised a parapet of masonry, or rather a stone wall of considerable height. The whole is in the best order, having been lately constructed. Although, upon those sides which are covered by arms of the sea, the shore is formed by a ridge of steep rock, which seems to make all precaution unnecessary; yet the rock has been scarped away, and every opening built up with the utmost labour and attention. I mention this circumstance, though not very important in itself, because it may serve in forming a judgment of the rest of the works, and it was what every one had an opportunity of observing.

Such being the actual situation of Ferrol, and the force to defend it amounting to the number I have mentioned, independent of other corps which could have been thrown in before night, there appeared to me, morally speaking, no chance of success in any attempt against it. But, perfectly convinced, as I was at the time, of the accuracy of the observations I then made, I have had the opportunity since of having my opinion confirmed in every point, by authorities from persons whom no man can suppose to be deeply interested, either in supporting his majesty's, arms, or in sustaining my individual reputation—I mean his majesty's enemies. In an official report, published in France, signed by the officer who gave it, and countersigned by the maritime prefect of Brest, the following is the state of the place at the moment of debarkation: "The garrison was composed of part of a battalion of the regiment of Africa, and of another of Zamora, 200 soldiers of the marine, and a battalion of the militia of Orensé. If we join to this small number of troops those composing the flying camps of Siria, amounting to 1,000 men, and that of Ares, composed of a battalion of the regiment Immemorial del Rey, and another of Guadalaxara (these two camps are situated a league and a half from Ferrol), we shall see that the total of the troops which could be collected, amounted to 4,000 or 4,500 men. If we take away what were necessary to guard the forts and the town, there will remain about 1,800 disposable men." The concluding part of this paragraph is alone sufficient to decide the whole question, as to any supposed facility of taking the place, "If we take away what were necessary to guard the forts and the town, there will remain about 1,800 disposable men;" that is, the enemy had 1,800 men more than were necessary, and more than they wanted for the defence of the place. This was the state of the troops at the moment of our landing. Now, Sir, the account proceeds to inform us, that there was afterwards landed from the Spanish fleet another regiment, that of Austrias, and the rest of the marines, of which only 200 were reckoned before. The abovementioned account also afterwards makes mention of a third camp, that of Juia, which might have been drawn into the town, if wanted. Its strength is not mentioned, but the grenadiers and chasseurs are said to have made a very formidable appearance. These reached the neighbourhood of the town about one o'clock; probably, like the others, it consisted of 1,000 or 1,500 men. Besides this, we learn from another account published at Madrid, that a battalion of the regiment of Africa, and the volunteers of Arragon, came from Corunna. These battalions were quite distinct from all the other troops: they arrived about eleven o'clock on the forenoon of the 26th. It appears that, making the lowest calculation for these corps, the enemy must have had, in and close to the town, at least 7,000 men. The general account, published at Madrid, enters into no detail of numbers. The letter of the French ambassador, who transmits it, talks of 4,000 disposable men, and some militia, which clearly means the number of men beyond that necessary to guard the town and forts; and the account itself says, the garrison of the place amounted to 3,000 men, which, if there is any thing to be drawn from it at all, gives the same result as to numbers with the former account. This account in another respect confirms

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the former one, by mentioning the general of the flying camps, although it takes no notice of the camps themselves.

I hope, after this, I shall not hear it said that the town of Ferrol was defenceless, or deficient in point of garrison. I trust it will not be argued, that that place was assailable by a *coup de main*, which even the enemy, with all their natural solicitude to diminish their numbers and means of defence, have acknowledged to have been over-garrisoned. And, Sir, there is the strongest confirmation possible, of the most material part of this account in the conduct of the enemy. For these 1,800 men who came to oppose or attack us, were not formed between us and the town, but were sent round by water, so as to put us in some degree between the town and them; which clearly showed that the enemy thought themselves sufficiently strong to defend the town without the assistance of that corps. —So much for the numbers of the enemy. Now, Sir, was Ferrol defenceless in point of works? This question is, in point of fact, decided with the former one by the enemy themselves. If 1,800 men could be spared, and looked upon as disposable out of 4,500, or even 5,500, it follows that the place was strong in itself. It therefore appears that the enemy themselves confirm, in the strongest manner, my idea of the nature of the works, and of the force to defend those works; and that of course it cannot be said I either proceeded on grounds lightly taken up, or which have proved ultimately erroneous.

Before I leave this subject, there is one circumstance more which may demand a short explanation. It has been said by the hon. gentleman, that the enemy were unprepared in many respects, and had not a cannon mounted. This assertion, allowing it to be true, applies only to the situation of the enemy the evening of the 25th, viz. the moment the corps under my command were landing. That landing was not completed, and the troops marched to the heights till five next morning; and I trust no one will assert that either there was a moment lost in landing, or in the march of the troops. We then had only an opportunity of observing the place on the 26th in the morning, at which time I myself saw cannon upon the ramparts; the enemy were busily bringing up more, and there could not be the smallest doubt, that, before night (for it is to be kept in view, that there never was an idea of escalading the town in the day-time), they would be amply provided in this respect. It appears from the Madrid account, that the necessary preparations for the defence of the town were made, and the 1,800 men above-mentioned detached by nine o'clock on the evening of our landing.

Though I take the whole responsibility of the retreat on myself, I should have been much to blame, if I had not attempted to profit by the knowledge and advice of the respectable general officers who accompanied me. I therefore spoke with them individually and collectively on the subject. They approached, and attentively viewed the place, and they were of opinion that an attack offered no adequate prospect of success, with the exception of one general officer, who had not at that time sufficiently made up his mind on the subject, but who has informed me, that, from what he then saw, and what he has since learnt, he is confident that the attack would have failed. The hon. gentleman has spoke much of an officer of engineers; him I also consulted, and he undoubtedly said, that he thought the place might be taken by escalade in the night; that there was no doubt of considerable risk of failure, but that such an attempt might succeed. Now, Sir, it is not at all my intention to argue this point, particularly as there is no one here to argue it with me; I have only to say, that my opinion was, and is, entirely different, and that Ferrol did appear to me, though certainly not a strong fortified place, as much in safety against what is called a *coup de main*, or immediate assault, as any stronger fortified town; particularly when it is considered, that the garrison was double what was necessary to defend the works, and that we could not be supplied with the means for such an attempt, which an army making a regular campaign on the continent would naturally have provided. It may not be improper to observe, upon this occasion, that if any engineer of rank had proposed any plan for a siege; if he had offered a calculation of the time such an operation would take, or of the means necessary to be employed, his opinion as an engineer would undoubtedly have greater weight; but an escalade is an operation of a very different nature, and one of which any other officer of experience must be just as good a judge as an engineer. I do not therefore mean to detract from the merits of the officer then

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with me, at the head of that department, when I say, that, upon a question of that nature, the opinion of any other officer of rank ought to have equal weight with his. We have all of us, I believe (speaking of the persons interested), had the benefit of as much experience, and of more general service, than that officer. In regard to the particular point of an escalade, we were certainly upon a footing; nor do I believe that there is an officer in the British army who ever saw such an operation attempted, except perhaps in the East Indies, or in some trifling scale of no extent whatever.

Having no prospect of success in an immediate assault, the only other thing to be considered was, whether it was possible to get possession of the place by a regular siege. As no one at the time ever proposed such a measure, it will not be necessary for me to take up much of the time of the House, in explaining why I judged such an attempt at the time, and why I still consider it, as totally impracticable. I must, in the first place, have got possession of the several forts commanding the entrance of the harbour on both sides, but principally of Fort St. Philip, which could not be done without bringing heavy cannon and opening batteries against it. And in this point the opinion of the principal engineer coincided with that of every other officer of rank who saw it. From the nature of the coast which is formed of steep mountains, without roads of any kind, at least for carriages, the transport of heavy cannon must have been a work of considerable time; and until we had possession of the forts, the fleets must have lain in an open bay, or rather on the open coast, in a situation so hazardous, that it could not have remained there a moment, whenever the wind, which was then along the shore, changed to the westward, as was obvious to those least acquainted with naval affairs.—But, Sir, supposing us to have got the forts, and to have brought the fleet into a place of greater safety, it is self-evident I must have occupied both sides of the harbour to protect it. Without entering into any nice calculation, I am sure I do not over-rate the detachment necessary for this purpose, when I say, that, after covering the fleet and, keeping up the necessary communications, I could not have above 7,000 or 8,000 men to serve as a besieging and covering army. I have shown that this was nearly the number the enemy had in and close to the town the day after we landed. The whole force of the province, perhaps of other provinces, was naturally in movement. I know as a fact, that the troops from Vigo, which is, I believe, the most remote garrison in Galicia from Ferrol, were actually upon the march; and I am confident that I speak within bounds, when I say, that they could have assembled ten or twelve thousand men, in addition to the garrison, before I should have almost opened the trenches. To attempt a siege against equal numbers is a very unusual operation in war. The calculation in common cases is to have three times the number of the garrison; but to attempt it, in any case, against such a superiority as this, is entirely out of the question.

After all, Sir, there has been, as you are well aware, much clamour on the subject of Ferrol, the greater part consisting, as one might naturally suppose, of general and vague language, proceeding from the ignorance of a question which few indeed had the means of understanding. The place was defenceless; there were only four hundred men; the governor came running out with the keys; the admiral offered to take it with the marines and seamen only. It is far from my intention to take up the time of the House in attempting to refute such palpable nonsense; but there are one or two reports to which I beg leave shortly to advert. It has been said by the hon. gentleman, that an universal panic and confusion prevailed among the enemy. Gentlemen are extremely apt to stretch points so as to support the opinions they may adopt. As far, however, as the enemy showed themselves in the field, no one can say they displayed any symptom of panic or confusion. In the town they seemed to be extremely busy in making arrangements for their defence, which we had the rare opportunity of seeing, as we took the whole of the works in reverse. Could the strongest town in Europe, under similar circumstances, be observed from a commanding height, and taken in reverse, the same appearances might lead officers of zeal, but inexperience, to judge that to be panic, which, in the eyes of those of real experience, must appear to be occasioned by the very contrary reason—a determination to use every means of defence. The march of troops, the dragging of guns, and universal movement in every quarter, we all know must be the natural

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consequence of an apprehended attack; but how is it to be construed into the effect of panic and confusion, I own I had not then, nor have I now, ingenuity to discover, unless the confusion incident to the inhabitants of a town in such a situation should be mistaken for any thing connected with the defence of the place. That the merchants were afraid, I can easily conceive; and I have yet to learn, where the merchants and inhabitants of any town that apprehended attack were not alarmed; but there were certainly no symptoms of terror to be observed in the garrison.

It has been said, that the admiral remonstrated against the retreat, and that the navy offered to do the rest with ships, if I would only take the forts. The admiral never made the slightest objection to the retreat; nor did he, or any other naval officer, make to me, at any time, any proposal whatever to make the attack with the fleet; nor did any conversation I had held with the admiral before, nor any thing which passed at the time, convey to me the least idea that he could have any such intention. The House may be assured, that I am far from wishing to throw the smallest reflection on the distinguished officer who commanded the fleet, who, I am confident, was right in the line of conduct he adopted on the occasion, of making no proposal to me upon the subject. —There is another report which ought naturally to have been classed with those unworthy of notice; but, though it has not been mentioned by the hon. gentleman, I am induced to make some observations upon it, from my respect for the illustrious person whose name has been most improperly introduced. It has been said, that I retreated in consequence of private orders from the commander-in-chief. How, or with what intention any one could hazard an insinuation so wicked, so false, and so absurd, I shall not presume to say. If done with a view to apologize for my conduct, I want no such apology; if with a view to throw odium on the character of the illustrious person alluded to, the uniform tenor of his life offers the most unanswerable testimony, that he never could give any order, to any officer, which did not tend to the interests of his country, and to support the character of his majesty's arms. I have heard the names of officers quoted on the subject of Ferrol, who, I am confident, have not given such opinions as those which are imputed to them; but the letters read by the hon. gentleman may have been written by some of the officers who were present on that occasion—these were either of the navy or army. In regard to the navy, from whom it is well understood that these reports principally proceeded, and who have possibly been the sole cause of them, I am fortunately not called upon to examine whether the officers belonging to that service are or are not the best judges of military operations; because it so happens, that, with the exception of one officer of rank, who never has been, and cannot be quoted on the occasion, not one of them ever saw the place, or came near it, or could possibly have a single idea upon the subject. The officers of the navy were properly employed in attending to their own business, which they executed, as I have stated in my public letter, and as I again repeat, extremely well; certainly without meaning to infer from thence, that they are competent judges of the military points of defence of any place, far less of the strength of a place they never saw.—The situation of the officers of inferior rank in the army, in respect to the means of forming a judgment upon this operation, differed from that of the officers of the navy more in appearance than in reality. They undoubtedly saw, or might have seen the place, but almost all of them at a considerable distance, unfurnished with any plan, information, or previous notice on the subject; and, occupied in the subordinate duties of their situations, could only have a view of it, as little to be relied on, as their previous information must have been imperfect. No man can or ought to be more unwilling than myself to detract from the merits of the gallant and high-spirited officers of the British army; but I may undoubtedly say that they are not universally judges, either of the management of a large body of troops, or of the nature and attack of the defence of fortified places; and it is at all events certain, that, under the circumstances I have before stated, of their attention being drawn to their immediate duty, of the distance, and of a total want of any other knowledge of the place or garrison than what they got from their eyes at the moment, it is impossible that they could form any sound judgment on the subject. I have not made these remarks on the subject from supposing that many officers of the army have given into the sort of clamour which has

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been made about Ferrol; but I think it right to show, upon every supposition, how little that clamour ought to have been attended to.

I began by stating how the question stood in point of fact, and I have now stated how it rests, if it is to be decided by authority; that is, whether the high and experienced officers of the army, having approached the place with a view of examining it, furnished with previous information, and taking all the circumstances of the case under consideration, are, or are not, better judges than those of a different profession, who never saw the place at all—than those of inferior rank and less experience, if such have given any opinion, who, not being called upon to decide, and totally unfurnished with the materials upon which a judgment was to be formed, speak from a distant or casual view of the town. Now, Sir, it will be naturally asked, how came reports so unfounded to be generally believed? And that idea may perhaps leave a sort of floating doubt in the minds of those who have not turned their thoughts to subjects of this kind. I think I can explain this in a few words, and these will not be in other respects inapplicable to the subject: I may, without any disclosure of the objects of government, fairly assert, what is publicly known, that the expedition against Ferrol was not the only service in which the troops under my orders were destined to be employed; a consideration which undoubtedly did, as it ought, weigh much with me throughout the whole business—and a consideration of great magnitude, that might nearly in itself have induced me to adopt the line I followed, had even the nature of the works, and the force of the place, been to a certain degree of a different complexion from what I found them to be. This consideration particularly tended to confirm me in what ought to be the fixed determination of every officer upon such a service, to attack the town if I thought it adviseable so to do, but if not, to re-embark without a moment's delay. Unnecessary risk and loss, merely for the sake of appearances, I was determined to avoid. Being convinced in my own mind, that there was little or no chance of success, I should have thought myself highly culpable if I had hesitated a moment about re-embarking the troops. In the first place, every hour's delay might render the re-embarkation impossible by a change of wind; 2ndly, every movement of the troops might have been attended with some loss similar to that we had experienced; and, lastly, the place of re-embarkation was the most unfavourable that can be imagined for that purpose, commanded by, and where we could only get off at a particular time of the tide. Under these circumstances, if the enemy had been allowed to recover from their first impression of expecting an attack, and had been prepared to follow us on our retreat, I conceive that whatever other advantages our troops may have possessed, we could not have effected it without considerable loss. These considerations left me no choice in the line of conduct I was to pursue, but as they could not be in the contemplation of the other officers of either service, who saw no reason why the attempt should not at least be tried, and who knew that we had succeeded as far as it had been tried, it is not unnatural that men of high spirit and sanguine dispositions should feel disappointment, and be disposed to impute blame.

Perhaps I have not noticed some of the statements of the hon. gentleman; I shall therefore now, Sir, with the indulgence of the House, make a few observations on those parts of his speech I have hitherto omitted. I think he has asserted, that there had been a difference between the two services. What opinion the officers of the navy, who never had an opportunity of seeing any thing of the place, may have given since our re-embarkation, I am ignorant; but I beg leave distinctly to observe, that, till the re-embarkation, there was no difference of any kind. The principal charge, however, of the hon. gentleman, as far as I can understand it, appears to be, that Fort St. Philip's was not taken, as it contained only fifty men. The fact is, that the troops who disputed the heights with us, came from, and partly retreated to that fort, which sufficiently shows how far it was or was not garrisoned. That there were boats ready to carry off such a proportion of those troops as were not immediately wanted for the defence of the fort, is extremely probable; but the 52nd regiment, it seems, offered to take it, and, in support of the facility with which it would have fallen, the opinion of the chief engineer is again brought in. The 52nd regiment was under the orders of an officer of high rank and approved

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character, who, had he seen that any of these reports were true, viz. that it was evacuated, or had few or no men in it, would have undoubtedly taken advantage of such a circumstance; and as to the opinion of the engineer, so very different is the fact from what the hon. gentleman has asserted, that his opinion delivered to me distinctly was, that it would be unadviseable to attempt Fort St. Philip's by assault in any way.—I have dwelt longer upon this topic than it appears to deserve, because I believe the whole of the hon. gentleman's military correspondence, and, as far as it contains any thing specific, his naval correspondence too, applies only to Fort St. Philip's; the 52nd regiment, and the field pieces with which the seamen were employed, having followed the enemy in that direction, and never came near the town at all: and this confirms what I have long suspected, that the greater part of the outcry about the failure of the expedition has arisen from partial statements made by sanguine men, relative to particular points, and not from an enlarged or general view of the subject.

The hon. gentleman has quoted the opinion and speeches of the chief engineer in several instances. I have stated his opinion with regard to Ferrol, and I have now stated his opinion with regard to Fort St. Philip's. In every other circumstance as well as these, in which the name of that officer has been introduced, the hon. gentleman is entirely mistaken. He never congratulated me on our prospects of success, or offered to put me in possession of the town; and farther than I have stated, I am entirely ignorant of any opinion delivered by that officer.—But the hon. gentleman has farther advanced, that, at what he calls a council of war, the officer at the head of the engineer department was not present. At the only meeting, however, of general officers, he was present; it was then his opinion relative to Ferrol was given, and it was given in the hearing those of general officers. The hon gentleman has alluded to a gallant officer who was wounded. I have no doubt he would have done every thing that could be expected; but as to the importance of the village of Grana, the hon. gentleman is completely mistaken. It is, indeed, stated in the old charts to be the arsenal; but the fortifications about Ferrol have been much altered of late years, and it is no longer in that situation. He has said much about the astonishing success of our arms. The truth is, we landed without opposition, and got possession of the heights without considerable loss. These heights overlooked the town; that is, they gave us an opportunity of examining it. But they were of no farther use, being too distant for cannon to have any effect, and led therefore in no way to the capture of the place. He has said, that I even forgot to summons the town. I had, in fact, a summons ready to be sent; but when I observed the state of the place, and the measures the enemy were taking for their defence, I saw strong reasons against sending it, and no benefit that could possibly result from its being delivered. The hon. gentleman has also thought it extraordinary that I should have landed with my whole force, when two thousand men might have been sufficient to reconnoitre the place. Upon what principles he conceives that I could have acted in such a manner, is not for me to decide. I should have thought myself totally unwarranted in hazarding any inferior corps on such a service, ignorant in a considerable degree as I was of the number of troops that the enemy might have, but certain at all events that they must have commanded a larger force than that which he mentions. The hon. gentleman has informed me of many gallant offers made by the seamen, one in particular to take a redoubt which obstructed our progress to the town. All these offers were kept a profound secret from me. In regard to the redoubt, I am totally at a loss to know what can be meant, there having been no redoubts, as far as my observation went, betwixt the heights of which we were in possession and Ferrol. The conversation about the French privateer the hon. gentleman will dispense with me from adverting to. That some of his correspondents might expect to make their fortunes, I think highly probable; that they were very much disappointed I can very well believe; and this disappointment will account for much of the clamour that has been raised.

I have taken up much of the time of the House, but I beg to say one word more, which I hope will be considered neither as trespassing too much on their indulgence, nor as any thing improper for me to mention. By accident, which perhaps no human prudence could foresee, and in which neither his majesty's minis-

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ers, the admiral, or myself, had the smallest blame, I was disappointed on my arrival off Ferrol, of intelligence which I had confidently expected, and on which I had depended in a great measure for our future operations. I shall further add, that, as far as I am enabled to judge upon that head, his majesty's ministers were perfectly justified in employing the body of troops which they had placed under my command, in the manner in which they were employed, and in giving me the instructions under which I acted. I was undoubtedly apprized before my departure of the information which had been received upon the subject of Ferrol; and though that information did not prove to be correct, there was, in my opinion, upon the face of it, such rational ground of hope as justified the enterprize, so far as it was intended to be pushed, and under all the circumstances of the campaign. — I shall now conclude, only begging to mention, that notwithstanding the outcry which had been, and all the obloquy to which my conduct has been exposed, from the supposed hasty re-embarkation of the troops, I cannot say I have ever felt a moment's regret on that account, even if I had not been supported by the opinions of other general officers, if the enemy had published no accounts confirming my statements, and if the question had not been such, and brought to so short an issue, that military men may decide upon it now or at any future period; even, I say, if these circumstances had not existed, I should have felt conscious of having done my duty; and I must farther observe, I should have thought myself unworthy of the situation in which I had the honour to be placed, if, after making up my mind upon the subject, I had, with a view to my own reputation, or to convince the army and the world of the necessity of what I found myself compelled to do, been guilty of hazarding, for an hour, the safety of any part of my corps, or throwing away uselessly the life of a single man under my command.

Mr. *Jekyll* said, that the hon. general had fully established his character, and had shown he had acted with propriety. The motion had a double object—to censure the manner in which the expedition had been conducted; and if it should turn out that there was no misconduct in those who had been intrusted with the execution of it, to condemn the imprudence and wickedness of those who had sent out an expedition without any well digested plan. That the last had been the case, no one could deny. Why was not our information better? Ministers had the most ample means. To what purpose did they apply the secret service money? This expedition had merely formed a voyage of discovery, and in its result had very much resembled that to Holland. He was now at a loss how to address ministers. They were men of straw. One of them, whose ingenuity no man could question, had found it impossible to define himself. A right hon. gentleman had often vapoured, and said, the day would come when he would justify the conduct of the war; but he would only be three or four days longer in office, and then he would cease to be responsible. He desired him to state why he had sent a brave officer upon an expedition, without acquainting him with the dangers he was about to encounter? The British name had been tarnished. Our troops were merely sent to insult the Spaniards, and to exasperate them against us. Would the country never cease to see its blood and treasure lavished in such fruitless expeditions? He hoped that ministers would not be allowed in this manner to slink out of office. They thought to put up a mock ministry in their stead; but they would not find it easy by such expedients to escape from punishment.

Mr. *Dundas* said, that if the king's ministers were to be attacked for want of wisdom or judgment in this expedition, by the hon. gentleman who spoke last, it appeared at least, that though he admitted the hon. general's justification of himself, yet he paid no attention to what the hon. general had said in vindication of the conduct of ministers in undertaking the expedition. But, in point of fact, the hon. gentleman seemed to have determined to lay the blame upon ministers. He had no objection to state the grounds and object of this expedition. In the early part of last campaign, Ferrol certainly was not the object against which the expedition was levelled, consequently the hon. gentleman was wrong in supposing that all the expense was incurred with a view to the attack upon Ferrol. He was ready further to declare, that at the early part of last campaign, it was the intention of ministers to employ the armament in conjunction with our allies, at that time fighting upon the continent.

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It occurred to his majesty's ministers, acting in concert with the allies of this country, that it would contribute to the common cause, if the force of this country was divided, and part of it was employed in the Mediterranean to keep the coasts of France in alarm, and another part on the western coasts of France for the same purpose. He had no difficulty in stating further, that Belleisle was the place from which, if our plan had been successful, our operations were to be carried on against the northern parts of France, and that Minorca was the place from which they were to be carried on in the Mediterranean. He need not remind the House of the change that was produced by the battle of Marengo. Two objects then engaged the attention of ministers. The first was the threat which had been made on the part of Spain to attack Portugal, and the other, the disposition of the northern powers, which at that time began to be manifest. If it was a desirable object to provide a defence for Portugal against the attacks of Spain, he did not see how it could be more effectually attained than by alarming the coasts of Spain. And if there was a confederacy of the northern powers against us, he knew no object more desirable than to secure the fleets which were in the harbours of Ferrol and Cadiz. These were the objects with which the armament was undertaken. He wished to ask the hon. gentleman, whether ministers, having adopted this general plan, could act in any other way than by laying the whole of the information which they possessed before the generals who were to be entrusted with the expedition, and to desire them to consider how far, in their opinion, the attempt was practicable? And this was the plan which had been pursued; for the hon. general had stated, that he possessed all the information which ministers had obtained, and that with that information he did go with a rational hope of success. When, therefore, it appeared that such evidence had been laid before ministers as was approved of by the general who was to command the expedition, and when the consequence of success would be that of preventing Spain from making any attack upon Portugal, and taking the remaining part of the fleet belonging to the former power; he did not think that ministers would appear culpable in the eyes of the House. The instructions given were not to go rashly and make attacks without consideration, or to run any risk beyond that which the ultimate object of the expedition would justify them in. At all events, ministers ought not to be attacked both ways: if there was no danger, the ministers certainly could not be accused of exposing the army; and if it was an expedition which was attended with great difficulties, ministers ought not to be censured for having failed in an attack upon a place totally destitute of defence. The hon. gentleman talked of examining people to obtain information; but did he suppose they were to examine witnesses as at an Old Bailey trial, when the very circumstance of asking a question was enough to excite suspicion? Besides this, the hon. general was desired to consult with lord St. Vincent, and actually did consult with him on board his own ship. He (Mr. D.) was not present at the interview; but the accounts which he received after it had taken place, were such as induced him to entertain sanguine hopes of success. Under these circumstances, were ministers to blame? From the circumstance of our frigates having been blown off from their station before Ferrol, the hon. general was deprived of one means of information; but that was not the fault of ministers. Nobody had made any complaint that the armament had not been well fitted out, or that there had been any failure in the civil department. No blame, therefore, could attach upon ministers; and as to the hon. general, the statement he had made that night, independent of his long-established character, would rescue him from every imputation.

Mr. *Horne Tooke* said:—In supporting the motion, I am about to do that which no doubt is frequently done in this House; for I am about to sacrifice my interest to my duty. Surely, Sir, the House will never trouble themselves about Old Sarum and its member; they will never enter into an inquiry about what is a priest, and what is not a priest, if they refuse a committee of inquiry upon this great question, which involves the honour of the nation. In what I am going to observe, likewise, I even sacrifice my wishes to the cause of truth; for it will not be supposed that I am prompted by inclination, when I undertake the defence of the right hon. gentleman who has just sat down. This question, when first brought forward, seemed to be whol-

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ly of a military nature; but the hon. general has made it plain, and such as every man is qualified to decide upon.—In this House, Sir, I have observed, that it is of advantage to men individually to have connexions. It is of advantage often to the public, however, that they should have none. On both sides of the House, men are influenced by them; and a regard to them frequently prevents the full investigation and the unreserved discussion of a subject. From their connexions and their bias I am perfectly free. One hon. gentleman, after admitting that blame existed somewhere, said, ministers were entirely exculpated by the statement of the hon. general who commanded the expedition. On the other hand, the right hon. secretary, or whatever else he may now be, justified the hon. general in the execution of the plan. This sort of mutual apology and defence may do very well for the parties that are liable to accusation; but when a question is so discussed, truth is utterly lost sight of. Perhaps the next secretary of state may find it convenient to depart from both conclusions, and to adopt a new line of justification. Amidst these opposite statements I feel some embarrassment. Though an old man, I am a young member; yet when a difficulty occurs in the choice of ground, I think it safest to prefer that which I consider to be just and true.—Some gentlemen have expressed their satisfaction with the explanation which the hon. general has given of his conduct; but it is that very explanation which induces me to think that there must be something wrong in the execution of the plan. The principal authority on which the hon. general rested his defence was, the Madrid gazette, and a letter by which it was accompanied. The Spanish minister of marine, it seems, gives a free statement of the preparations that had been made to receive attack, of the excellent posture of defence, of the plan, and of every thing that could exalt his own reputation for vigilance and promptitude. But surely ministers must know too well, from their own experience, that such pompous accounts are not to be taken as exactly true. But consider whither this species of justification, if admitted in favour of the hon. general, would carry us? Will the House acquiesce in the compliments which a Spanish minister chooses to pay himself, when this would be to infer a censure upon our own? If the ministers of Spain had every thing in so good a state of defence at Ferrol, it is clear that the ministers of this country must have been deceived in their views when they resolved on the expedition. The House, then, must choose, whether or not they will acquit the hon. general upon a defence, which, if well founded, implies, that the planners of the expedition were deficient in information. Besides, supposing a general who actually had not done his duty to have been arraigned of misconduct, could he not, though guilty, have made the same sort of defence? Look at it; weigh it. Who are to be the judges of an officer's conduct? Not the navy, says the hon. general, for they could not see the place. Not the inferior officers, for they were doing something else at the time. Thus the general is the only person competent to decide on the propriety of his own measures; all other testimony is rejected. It does not appear to me, therefore, that the hon. general has fully justified himself. The right hon. secretary appears to have exculpated himself; but, to clear up all doubts, let the House inquire. I hope the question will be carried, though, if it is, the precedent may prejudice my personal interest in the sequel. If the House refuse to go into a committee of inquiry, with what propriety can they enter into the merits of the borough of Old Sarum and its member? How can they plunge themselves into inquiries and discussions about what is, or what is not a priest, and whether a thirty years quarantine is not sufficient to guard against the infection of his original character? Yet, in recommending this line of conduct to the House, I sacrifice my interest to my duty; as well as I sacrifice my wishes to truth in defending the right hon. secretary of state; a service which he never has done, and I dare say never will do for me.

General *Gascoyne* contended, that there were circumstances in the expedition, which called for inquiry. It had been said, improperly, that the army had been disgraced. An army, he conceived could not be disgraced but by misbehaviour in the face of an enemy. The army, however, had fallen into some sort of disrepute, and an inquiry was called for to restore its credit. Inquiry was necessary to allay the jealousy which had arisen between the naval and military service, and to vindicate the national honour.

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Mr. *Ellison* thought the expedition had failed in such a manner as justified the country in desiring to see the affair investigated. He thought, however, that a military court would be the best mode of inquiring into a subject that involved so many points that could be understood only by military persons. He was of opinion that ministers had cleared themselves from any blame. It was nonsensical to talk of their skulking out of office, and flying from responsibility. Out of office they were responsible for every part of their conduct in it, and he believed they would not shrink from inquiry.

Mr. *Pitt* said: I agree with the hon. gentleman that, when real grounds of suspicion attach to any military operation, a military court is the most proper tribunal; yet I cannot admit, that mere failure, unaccompanied by those circumstances that point out blame somewhere, affords of itself any ground for inquiry Inquiries like those proposed, even inquiries by a military court, impede the service—they cherish and perpetuate animosities and divisions. These I do not state as bars to inquiry, but as inconveniences necessarily resulting from it, and to be weighed against the advantage proposed. Inquiry, therefore, cannot with prudence be entered into, but when presumptions are so strong as to require, for the interest and honour of the nation, that they should be cleared up. It has been stated, that doubts, surmises, reports have gone abroad and agitated men's minds on the subject of the expedition. Whatever doubts gentlemen may have come into the House with, their doubts must be removed by the manly statement of the hon. general. Among civil men, at least, that statement ought to be conclusive. With respect to the planning of the expedition, so far from its being unwise, most of the arguments on the other side proceeded on the idea that the object was a fit one. The good effects that would have resulted from it are extolled to magnify the failure. Eleven sail of the line, a great naval arsenal, the capture or destruction of these would have been a great and glorious achievement? But then ministers are said to have wanted information. But, certainly, enough of information had been received to justify an experiment. If, however, the mere circumstance of the expedition having failed is a presumption against the officer who conducted it; if it be said that the object should have succeeded, surely it is a conclusion that exceeds all the rapidity even of military movements, to infer that the ministers who planned the expedition were deficient in prudence and destitute of information. The fact is, that the information we possessed was such as to satisfy, not merely us, but also that reflecting and judicious officer who conducted it, and who, by his justification of himself this day, must add to the good opinion which was previously entertained of his sense and understanding. There was information enough to satisfy, of the utility of the plan, a noble lord who has distinguished himself in every branch of service. Lord St. Vincent gave his suffrage in favour of the plan. If, then, an expedition that confessedly would have been so beneficial was embraced on good grounds; if it was relinquished when there was no chance of succeeding without more than an adequate risk, can it be said that ministers skulk from responsibility, because they do agree in thinking that there are no fair presumptions against them? Whatever responsibility attached to us in office, will follow us to a private station; and we are ready to meet any inquiry which the House may judge it proper to institute. With regard to the inquiry proposed, as it proceeds upon no grounds of suspicion, and as it would be attended with great inconvenience to the public interest, I feel myself bound to vote against it.

Mr. *Grey* said:—I cannot agree that the right hon. secretary and the planners of the expedition, are completely exculpated. Neither can I agree that the hon. general has removed every imputation to which his conduct may have been liable. Above all, I protest against the doctrine of those who represent any place better fitted than the House of Commons for the prosecution of such an inquiry. It has been the practice of the House to conduct inquiries into every branch of administration, and with the greatest benefit to the public. But if the objection now be merely on account of the superior advantages of a court of inquiry, there has been time enough given for making the choice; and if a court of inquiry had taken place, perhaps the present motion might not have been made. In the situation in which the matter now stands, the House, I conceive, would fail in its duty to the public in refusing an inquiry. I am unwilling to

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give any opinion upon the propriety of the original design; but I am sure, from reviewing the circumstances of the failure, that blame must exist somewhere. From every thing I have heard of the hon. general who commanded, joined to some degree of personal acquaintance with him, I cannot allow myself to suppose that the honour and interest of the country would suffer in his hands. Yet I do think that, in the expedition to Ferrol, the honour and interest of the nation have suffered; and therefore, for his sake, as well as for that of the public, I shall support the motion.

The House divided:

Tellers.

Yeas	Mr. Sturt - - - - - Mr. Jekyll - - - - -	75
Noes	Mr. Steele - - - - - Mr. Huskisson - - -	149

So it passed in the negative.

Committee appointed to consider of promulgating the Statutes.] Feb. 27. Mr. *Abbot* said, he rose to move for the appointment of a committee to consider of the means for more effectually promulgating the Statutes; and he wished to submit to that committee whether some farther extension might not be given to the circulation of acts of parliament; and in order to this, he meant to suggest the expediency of conveying to the resident justices of the peace, an additional number of such public acts. His only difficulty when he first mentioned the subject, was, the expense which might attend this alteration. In 1797, he found that not more than 1100 public acts were printed, of which the expense was above 7,000*l.* a year; and that but few of these were circulated beyond London; whereas above 4,000 copies would be wanted for distribution to the courts of justice, cities, and towns corporate, and acting justices of the peace. He had no notion of the wisdom of that sort of public economy which tended to impede the circulation of the acts that were expected to be carried into execution. He hoped, that the public acts would be circulated upon one simple principle, throughout Great Britain and Ireland; since nothing would tend more to that identity of habits and manners, so necessary to the identity of interests, throughout every part of the united kingdom. He then moved, "That a Select Committee be appointed to consider the most effectual means of promulgating the Statutes of the united kingdom of Great Britain and Ireland." Agreed to.

Proceedings in the Commons on the High Price of Provisions.] Feb. 23. Mr. Bankes reported, that the committee on the High Price of Provisions had come to the following Resolutions: "1. That that part of the united kingdom called Great Britain be divided into twelve districts; and that premiums, not exceeding in the whole the sum of 12,000*l.* be offered for the cultivation of potatoes, by proprietors and occupiers of land, not being cottagers. 2. That the following premiums be granted in each district, viz. to the person who shall, in the present year, cultivate on land, now in his occupation, which has not been used as potatoe or hop ground, or yielding any arable crop during the last seven years, the greatest number of statute acres of potatoes, producing, on an average, not less than 200 bushels per acre (each bushel weighing not less than 60 lbs.) The number of acres, not being less than 30, 300*l.* For the next greatest number, not being less than 20 acres 200*l.* 10 acres, 100*l.*; 7 acres, 70*l.*; 6 acres, 60*l.* 4 acres, 40*l.*; 3 acres, 30*l.*; to the next ten greatest number, not being less than 2 acres each, 20*l.* each making 200*l.* 3. That premiums to the amount of 13,000*l* be offered for the encouragement of the culture of potatoes, by cottagers in England and Wales, to be distributed in sums not exceeding 20*l.* for each district or division, in which magistrates act at their petty sessions in their several counties, and that such day labourer, artificer, or manufacturer, being a cottager in each of the said districts or divisions, who shall raise on land in his occupation, in the present year, the largest average crop of potatoes per perch. In not less than 12 perches of land, 10*l.*; to the second largest crop on ditto 6*l.* To the third largest crop on ditto 4*l.* 4. That a sum, not exceeding 3,000*l.* be granted for encouraging the cultivation of potatoes, by cottagers, in that part of the united kingdom called Scotland, in such sums, and under such conditions, as may be approved by the board of agriculture. 5. That a sum, not exceeding 2,000*l.* be granted to the board of agriculture, for the purpose of being distributed by them, in honorary premiums, to such owners or occupiers of land as shall allot the greatest quantities of land

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among cottagers this year, to be planted with potatoes, in portions of not more than three-fourths, nor less than one fourth of a statute rood."

March 2. The House resolved itself into a committee on the said report. Mr. Ryder having moved the first resolution,

Mr. *Buxton* contended, that the present high price of potatoes was a sufficient bounty of itself. That all bounties were injurious, and that it was always best to allow that crop to be cultivated which would prove most profitable. By this measure the landed interest must suffer severely, as there would soon be not an acre of pasture land in the kingdom. Almost every farmer was bound, under a severe penalty, not to break up the meadows on his farm; but the conditions of every lease might now be violated with impunity.

Mr. *Wilberforce* said, that the intention of the committee was not to take away from the pasture land, but to apply to the growth of potatoes land that was not now productive. The hon. gentleman had appealed to the landed interest; but they certainly had no interest in keeping up the price of provisions; on the contrary, it must be the object of all men, in all situations, to increase the quantity of provisions for public consumption, and thereby to reduce the price. The question was, whether, by adopting this resolution, they should take the most probable means of procuring for the public a great supply of provisions, which otherwise they would not have? The whole expense would not exceed 30,000*l.*; and if it was at all operative, it must produce a considerable quantity of food, and materially reduce the price of other articles of life. There was, however, one part of the plan of the committee, on which there could not be two opinions; and that was, the encouragement which it was proposed to give to cottagers.

Mr. *Buxton* said, the board of agriculture had proceeded upon speculation, which he did not think the legislature ought to encourage. His objection to the resolution was, that it proposed a bounty upon one particular article of food, to the prejudice of the growth of corn in general.

Mr. *Horne Tooke* said:—I am one who might be very little expected to talk upon agricultural subjects, particularly on an occasion in which I am neither compelled nor called upon to make an harangue; I am, however, not afraid of exposing myself in what I have to say. I fear that the committees on the high price of provisions have, with the best intentions in the world strayed out of the way. Had I been a member of the last parliament, when the poisoning act (for I can call the Brown Bread act by no other name) passed, I should have exerted every means in my power to have prevented it. This first union parliament has well begun its proceedings by repealing that act. The premium now proposed can do nothing but mischief. Besides the injustice of making the landholder pay the premium out of his own estate, the misery must extend to the whole country, unless the whole scheme of keeping down the price of provisions be changed. Necessity has raised them to their present price. It is vain for you to struggle against necessity! You cannot keep down the price of provisions unless you keep down the national debt. It is by an artificial struggle to keep down the price of provisions that you cannot keep it down. If you will suffer the price of all commodities to rise to their natural level, and do every thing for the country by doing nothing at all, you will save millions of lives, and millions of acts of parliament. You have proceeded so far, that, instead of keeping down the prices of provisions, you have raised them. The strangest man may strike out something for the general good. I am supposed to be a great friend to innovations of every kind. I have been represented as an innovator, but I do not deserve that title. My "vital Christianity" leads me to think that the strongest reason for being on the side of an established religion and government is, because it is established. I look to what is established, and approve of it—not because it is the best, but because it is established. Let any man examine what have been the sentiments that upon every occasion have fallen from me, and he will find that I have uniformly been against innovation. On the same ground I am against this innovation. I am against its principle. It is unjust that a man should be paying a premium against himself. The prices have risen, notwithstanding all you have done to prevent it; and they will rise in spite of your teeth. The sooner they rise, the better for the country. Whether you offer premiums, whether you give bounties, or whether you do not, still the effect will be the

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same. An hon. gentleman wished somebody would suggest how the cottager might be made happy? I will tell him how. The cottager will be made happy by raising every thing in proportion to the price of provisions, his labour among the rest. Labour has risen, and it must rise higher. The price of labour must go up; you may struggle to keep it down by artificial means; but up it must go, do what you will. It is in vain for you to struggle against that which you cannot control; you must suffer labour to be raised with the price of provisions. You may go on making acts of parliament in one session, and repealing them the next; but you will do no good. But then it may be asked were will the storm fall? I will tell you: it will fall upon the public creditor. What is the situation of the public creditor? he lends the public 100*l.* for which he is paid 3*l.* 10*s.* interest: that may be 100 quarten loaves, or 40, or 20, according to the price. He is therefore the person who suffers by the rise of the price of provisions. To the few who deserve assistance, let assistance be given. The landed gentleman does not suffer; he can raise his rents: the revenue does not suffer—that must be provided; no one suffers but the national creditor. It is not that the money he receives as interest for his capital is less, it is that the quantity of goods he receives for his money is less; and he will be still receiving less and less, while your taxes will be rising more and more. If the next administration mean to go on like the last, they have an interest in proposing premiums—they may otherwise be fearful of not having money lent them. I am sure it would be better for the country if no man would lend them a groat. Let them take three-fourths of a man's interest or property from him, and take off the taxes, and they would be doubly gainers by it. I undertake to maintain and prove this proposition. Reduce the national debt, and we may laugh and sing at home, and bid defiance to all the world: if you do not reduce it, the consequence will be, that instead of paying the national creditor 120 loaves for the interest of his 100*l.* you will go on till you only pay him two or three. Depend upon it, that will be the fate of the national creditor.

The resolutions were agreed to.

Debate in the Commons on the Irish Martial Law Bill.] March 12. Lord Castlereagh having moved, that the act made in the parliament of Ireland, in the 39th of the king, intituled, "An Act for the Suppression of the Rebellion which still unhappily exists within this Kingdom, and for the Protection of the Persons and Properties of his Majesty's faithful Subjects within the same," might be read,

Mr. *Sheridan* said:—I rise to object to the reading of that act with the view to its continuance, and mean to move that the House should adjourn. It is my intention to make this last attempt to induce the noble lord not to bring forward this question at the present momentous crisis. After hearing his majesty's commission read to pass several public bills, we have a right to assume that there can exist but a very short interval before we shall receive a communication upon the present subject, and without waiting for such communication, we violate the respect due to his majesty. Whatever information may be afforded by the noble lord, who calls upon the House to continue a measure of the Irish parliament, I am not bound to receive as authentic. I know that noble lord to have been a most able member of the Irish parliament; but he must allow me to say, that we know nothing of him in this House as a minister. He does not appear among the list of responsible ministers of his majesty. If ever there was a measure respecting which we should have a communication from the crown, it is this very measure, which operates to the subversion of the whole law of Ireland, and places the people of that country under martial law at the discretion of the crown. I know the noble lord will say, that the act of the Irish parliament for reviving this measure previous to the last period of its expiration, was a proceeding assented to without any communication from the crown; but let me ask him, was it not originally adopted, in consequence of a communication? In case of rebellion or invasion, his majesty has, by virtue of his prerogative, a right to have recourse to martial law; but assuredly subject to the responsibility of those ministers who direct the assumption of such a power in the crown. Have we such a necessity to justify our consenting to the continuance of martial law in Ireland? The noble lord may have information of new rebellions, and new invasions. If I have a distinct pledge that he is in possession of information to such effect, I am bound then to act upon

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a principle of confidence; but in proportion as I give confidence, I must demand responsibility. We are not going upon that sort of inquiry which would justify our declaring that responsibility attaches to any one, and therefore the assertion of the noble lord is not what we should act upon. If it were to be proposed that we should go into a committee to consider of the state of Ireland, it might be that such a committee would be improper, because there were circumstances not fit to be revealed. Even a select committee might be objected to. I shall therefore be compelled, and the House will be compelled, to act upon the principle of confidence. What is the bill that the noble lord desires the House to continue? After the promise that the union would heal all the discords and animosities that existed in the country,—after the House has been congratulated by his majesty from the throne, that not only the rebellion, but the hostile spirit that occasioned it, had ceased,—we are called upon to renew a bill for continuing martial law in that country;—a bill, the title of which states it to be for the suppression of rebellion, and for the better protection of his majesty's person; and the preamble of which states the existence of a dangerous conspiracy for the subversion of the government. Surely the noble lord will not say such is the case at present. The bill was afterwards revived by a bill of continuance, and without stating in the preamble the existence of rebellion. I am to suppose he will say rebellion does now exist; but he will not say it did at the period of the bill of revival. It was at a time when both Houses of Parliament were congratulating the lord lieutenant upon the entire suppression of the rebellion, and when there was no pretence for reviving it. What is the necessity for continuing the act now? He says it will expire on the 25th of March. True; but do not the Irish money bills expire at the same time; and can the inconvenience in the one case be greater than in the other? But suppose the act was to be discontinued for a week or two, what would be the consequence? The last bill, being a bill of revival, affords a proof that the act had been suffered to expire. Did any mischief arise in consequence of such expiration? What danger is to be apprehended now? The House has had a year's experience of the union: is it of opinion that the union has had such an effect upon the country, that what was done a year ago without danger, would now be attended with such danger, that, without any recommendation from the crown, it is willing to take the responsibility of this act upon itself? With respect to some other bills, I admit, if they are not renewed, great evils may arise; but what calamity can possibly arise from not renewing this? The delay would not even have the effect of giving the people of Ireland reason to think they were not to have martial law any more. They would be sensible that its suspension was only producedby casual circumstances, and that it would be renewed as soon as possible. The only injury that could happen would be, that for a few days you would not be able to proceed to this species of trial by martial law. The worst that could happen would be your suffering a few persons accused to go to a jury. But the noble lord apprehends danger from rebellion: If that be the case, what prevents the lord lieutenant from exercising the prerogative that he derives from his majesty, and by his proclamation continuing martial law for a week? Under these circumstances, the whole of the question is this—Whether, having every prospect that the recovery of his majesty may enable us to proceed in a constitutional manner, and that we may have a regular communication from the throne, advised by responsible ministers, we ought to proceed without such communication, and without such responsibility? To justify our consenting to do so, a very strong case ought to be made out; and unless such a case is made out, I must consider the present as one of the most indecorous, unconstitutional, and violent propositions ever made in this House. I move, "That the House do now adjourn."

Lord *Castlereagh* said:—I shall consider, Sir, the question of adjournment as one which calls on me to submit to the House those reasons which have induced me to propose the present measure; and I trust I shall show that I am fully competent to bring forward the proposition, and that the House, in disposing of it, will neither transgress its duty to the crown or to the public. It is a painful duty to call on the House to re-enact a law such as this is. Every man must feel a reluctance at bringing forward any measure which is to trench, as I admit this does, upon the natural rights of the subject. It was reserved for the modern

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principles of Jacobinism to make it compulsory in the government of Ireland to give existence to a system of judicature founded upon martial law. Such a system became necessary at a period when all law was suspended, when all duties were violated, and when the safety of the chief magistrate and the government depended upon its vigorous application. If there be now the same necessity for continuing that measure, I am sure the House will not forget its duty, or abandon the safety of the constitution, by refusing to sanction it. I thought it my duty to state candidly to the House, that this was a measure, the renewal of which was an act of necessity, which could not be delayed. I own the difficulty of making such a proposition to those who have not the local knowledge necessary to carry conviction to their minds; but, although the House has not in general the local knowledge of the subject requisite to stamp conviction, there are but few circumstances which must not be in the recollection of many individuals in the House who were personally acquainted with them. There are many gentlemen in this House who have passed into Ireland, and who have been enabled to obtain a local and accurate knowledge of the state of that country. This is not the first question in which the parliament of Great Britain has been called upon to take measures with regard to one part of the kingdom, which have not been applicable to that part called England. After the union between Great Britain and Scotland, it was necessary to pass laws for Scotland of unusual severity, and unconstitutional in their nature. It is easy to perceive that I allude to the laws for disarming the Highlanders, those laws were passed by a parliament strenuous in the maintenance of the rights of the subject. They were passed under a whig administration, acting upon the principles on which the revolution was established. I am therefore only calling upon the House to do that for Ireland, which, upon a former occasion, it did for Scotland. I am sure this House will feel that, without a continuance of the same system of prudence and precaution with regard to Ireland, that country would be placed in a most unfortunate predicament. I know what was my opinion when doubts were stated to me as to the consent of this House to such a measure as that of martial law. It was urged, that the feelings of the united parliament would be so actuated by principles of a constitutional tendency, that it would not pass those measures of energy and vigour which the parliament of Ireland had thought necessary. I always ventured to resist that notion; not upon the ground of the precedent relative to Scotland, but from an idea of the wisdom of a united parliament, from a persuasion of its anxiety to preserve the constitution of the country and the liberties of the people, and from a firm conviction that neither our constitution nor our liberties could be preserved but by adopting those measures necessary for the suppression of rebellion. The House would see in what a situation Ireland would be placed, if parliament, from any scruples, should withhold its sanction to a measure on which its safety and existence depend. It would not only withhold the only security the people have for the protection of their persons and property, the only laws on which the tranquillity of the country depends, but it would have the effect of instilling into the government such apprehensions, that it would be impossible for those to whom it is intrusted to discharge their duties to the public in the manner they have hitherto done, under the idea that the local parliament would always give them the means of acting with vigour. This House will see, that it has no less a sacred duty to perform in supporting government in an arduous struggle against Jacobinical principles, which, I am sorry to say are not yet subverted. I beg leave to differ from the hon. gentleman in the principle, that a communication from the crown is necessary. The present measure did not pass in Ireland upon a communication from the crown, or in consequence of the examination of a committee of the House of Commons. I am fully authorized in maintaining these two propositions; first, that no communication is necessary from the crown; and secondly, that no investigation by a committee of parliament is necessary. I contend that it is competent for any member to get up and make any proposition he thinks it his duty to make. I trust that we are not altogether so dependent upon the crown, that we must wait for a communication before we proceed to a legislative act of importance to the country. To admit that notion, would be to admit that the constitution of England is like the constitution of France, where the originating power must be communi-

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cated to the legislative. Parliament is able to proceed either upon notoriety of facts, or general information that carried conviction of itself. The Habeas Corpus suspension act has been frequently renewed without any communication from the crown, or inquiry by a committee, merely upon the idea that the circumstances of the country remained the same as when it first passed. The suspension of the Habeas Corpus in Ireland, in 1799, was without any communication. The principle is this: parliament may go into an inquiry; but where there are grounds for the House to proceed without inquiry, it has never been usual to chain it down to the suspension of its proceedings till an inquiry has taken place. My wish is, that this bill should be only for three months, in order that parliament should have time to go into an inquiry, in case it should be necessary to have the measure further extended. If the hon. gentleman asks, why I do not go into an inquiry now, I answer, that the grounds are so imperative in my mind, that I do not think any previous inquiry necessary. I shall now proceed to state the general reasons which appear to me conclusive for the present measure. I am perfectly aware that it may be fairly asked me, if the fact of a rebellion exists in Ireland, why the executive government wants a law for that which is within the exercise of its own prerogative? I perfectly understand, that the prerogative of the crown authorizes those acting under its authority to exercise martial law. I maintain that it is a constitutional mode for the executive government to exercise martial law in the first instance, and to come to parliament for indemnity afterwards, and is preferable to applying to parliament first. I am the more anxious to assert this proposition, because, by so doing, I render justice to the Irish government.—I now come to the relation of facts and circumstances. The rebellion in Ireland broke out in May 1798; the executive government published a proclamation for martial-law; they proceeded from May 1798 till May 1799, exercising martial law wherever rebellion existed, without any express law for that purpose. They did it on the principle, that they were authorized by the king's prerogative, provided they did not transgress the necessity of the case; and sure I am, that nothing could have induced them to have departed from the strict constitutional system, but that they felt they must deny to a great part of the country, the advantages of the civil law, unless it were incorporated with the martial law. The two systems existing at the same time led to such a conflict of jurisdiction, that it was impossible to give effect to either. The House will feel that it must be impossible for officers to proceed in the execution of martial-law, if they are liable to be overhauled and thwarted by the civil power. There were many instances of individuals being indicted for acts done in consequence of the lord lieutenant's order for martial-law. The rebellion was at last so extensive, that it was impossible for courts of justice to sit in any part of the kingdom; but afterwards, by the success of his majesty's arms, they were re-established. The first place in which they resumed their sitting was in the metropolis; and in the court of King's-bench applications were made, which interfered with the exercise of martial-law in places where the rebellion was keenest. It was possible, certainly, for the assizes to have been held under a military guard; but the system of justice administered at the assizes would have been insufficient for the purpose of checking the rebellion. The government, therefore found itself in this situation, that it must withhold one or the other: it was obliged to apply to parliament and say—here is a situation which never happened before—the genius of Jacobinism has infused itself into rebellion, and made it worse than it was before. Though it was put down in the field, yet it continued to afflict the country in a manner not less destructive to the jurisprudence of the country, but more difficult to be attacked by the king's forces in the field. The governor stated this case as a case of rebellion—that the kings courts were likely to remain shut for an indefinite time, if the civil law was not incorporated with the martial-law. I must state to the House, that rebellion is not less rebellion because it is less extended. By the energy of the king's forces it has been restricted; but if martial-law was not to be allowed, the same system of terror would prevail, and the government could not expect, from the loyal and well-affected, that allegiance which it would be incapable of protecting. I trust I have fully acquainted the House with the circumstances under which government originally applied to have martial-law sanctioned by parliament. It now remains to state the grounds why a continuance of

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that measure is necessary. It will strike the House, that a conspiracy, like that developed in the report of the secret committee, could not be easily done away. No government, except that of this country ever did survive such a wide-extended conspiracy. The government which watched this conspiracy and dissolved it, has some claim to the praise and confidence of the House. If it be granted, that it is not possible for a conspiracy of such an extent to be easily dissolved, it will be no difficult task for me to show that the rebellion has never altogether ceased. I wish I could state, that the exercise of martial law had ever been suspended. From the period when the bill was revived, to the present, it has been uniformly exercised; and some particular part of the country has been so disturbed as to call for the exercise of it. The lord lieutenant has been under the necessity of trying 63 persons under the bill; 34 were condemned to death. When I state, that during the last year 207 have been tried, I think I give a sufficient proof that rebellion has unfortunately existed during that period. I am sure the House will think that the noble lord entrusted with the government of Ireland would not have exercised the power confided to him if the necessity had not existed. In fact, the parliament has not authorised government to exercise martial law, only where rebellion exists. The present bill ought to be intituled, "a bill to authorise martial law, notwithstanding the courts of law may be open." The facts I have mentioned are not the only ones upon which the measure rests; but I may add, that the whole of the disturbances in Ireland are directed, first, against the persons and properties of the well-affected, and, secondly, against the courts of justice. Therefore the House must feel, that unless there be some mode of bringing those persons who are engaged in acts of rebellion summarily to trial, we are subjecting our friends to certain destruction. There is another consideration: you will see, in the report of the committee, that the rebels have their own courts-martial against the well-affected; and it is impossible to keep up any system of coercion, if you can only have the ordinary process of the municipal law against persons guilty of rebellion, when those who are called as the jury may afterwards be tried by the tribunals of the party of the offenders for the offence of having sat in judgment upon them. The system of rebellion in Ireland is one unparalleled in history; it is, however, a great satisfaction that, from the energy of the law, the evil is greatly circumscribed. Last year, except in three districts, Ireland was quiet. In the summer the county of Antrim was disturbed; and Limerick, and most parts of the county of Wicklow, have been infested by a ferocious banditti. Under the vigorous protection afforded Ireland, tranquillity has been generally restored; the people showed the utmost zeal in assisting the measures of government as soon as they were assured that government had the means of providing for their security. The House may suggest, that it might be better to give this law a local operation; I will say why I think not. My greatest objection is a constitutional one: it would be limiting the responsibility under which this law is exercised. We are giving no new power, but only strengthening a prerogative. I think the House will feel that it has sufficient security that the law will not be abused. In the first place, there is the security of the parliament. It is true, the parliament never has interfered with the government of Ireland, as to the execution of this law: but it does not follow that parliament could not interfere. We have this security, that the law will not be called into execution, except in cases of rebellion. First, the lord lieutenant considers the case of every person before he sends him to trial; next the courts-martial are composed of officers, men of honour and character, acting upon their oaths: in the next place, it must be either rebellion, or an act in furtherance of rebellion, that is cognizable by a court martial. There is then the additional security of the lord lieutenant revising the proceedings, and giving his opinion upon the whole transaction laid before him: therefore I think we have a full assurance that the law so controlled will never be vexatiously applied to improper purposes; and we should neglect our duty if we did not interfere, and take care to prevent a second instance of abuse occurring. I think it is natural for every gentleman to feel, that, in passing a law of this nature, he is making no great surrender of a constitutional right. The only circumstance, in my mind, is, whether, if the necessity exists, this is the proper remedy? If it be so, we ought not to take alarm at a departure from principle, which is necessary for the preserva-

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tion of the constitution itself. Look to the principles of freedom which pervade the whole empire, and in particular the legislative body; and then say, whether it is possible such a measure can be continued one moment beyond absolute necessity. As long as the measure continues in existence, there is a superintendance to prevent the abuse of it, and under that superintendance the public look forward to the continuance of the measure without apprehension. The freest governments are those which have furnished instances of the greatest delegation of power in particular instances; but the circumstance in which they have all fallen short of the British government consists in this, that the latter affords a rational control over the abuse of it. We find in history, that those persons who delegated an extraordinary power became often the victims of it; but in this country there is a power alive to watch over every extraordinary delegation; and if the exercise of that power was dead in the legislature, it would be of no use to have a trial by jury. Our liberties would not be long preserved by the trial by jury, which this measure goes for a time to suspend. It is some consolation, that the moment when the feelings of the country are so agitated, is not that when the trial by jury is of the greatest benefit. It is some consolation, that if we are driven to keep this measure alive, and suspend the trial by jury, it is at a time when that mode of trial would be less beneficially exercised for the ends of justice, and at a time when, by convicting one criminal, we should be exposing twelve loyal subjects.—Before I conclude, there is one topic, the introduction of which into the debate I would deprecate; and that is, the question of policy as to the future regulations of police in Ireland. When that question is discussed, I trust it will be with temper. It would be better that the question of the system of police should not be touched upon in this debate. I only hope the House will not pass from one consideration to another. While the rebellion exists, it must be met by energetic measures. I know of no measure to meet rebellion, but martial-law. By continuing it, you will prevent the rebellion, which is only local, from becoming general, you will prevent the necessity of employing the king's forces for the protection of a large body of his majesty's loyal subjects.—I have stated thus much to the House, satisfied that I have shown the necessity for the measure to exist, and that it is congenial to the character of the constitution, which justifies the sacrifice of a part to preserve the whole. Upon the question of responsibility, the House will allow me to say, that the measure is not brought forward at a time when there are no ministers responsible to the House and the public. I do not consider my right hon. friend (Mr. Pitt) less responsible than ever he was. I am persuaded he will consider himself responsible for any act of government till he has resigned his trust into the hands of his majesty. I will only add, that the present measure has the sanction of lord Cornwallis, the lord lieutenant of Ireland, whose exertions in extending the British empire, and whose eminent qualities, entitle him to the respect and admiration of the country. The power entrusted to him by this bill he will exercise with fidelity, humanity and discretion. I do not expect that rebellion will cease to exist during the war, I know that the spirit of rebellion has too many friends in every portion of the empire, but I do not at present propose to extend the continuation of this act beyond three months. There are persons in custody in Ireland under the suspension of the Habeas Corpus. I wish to leave them in the hands of the civil power; and for that purpose I shall to-morrow move, that the act for suspending the Habeas Corpus be continued for the same period as this act.

Sir *Lawrence Parsons* said, that he had opposed the act in the separate parliament: and the reasons for his conduct at that time were the same as those by which he was now actuated. He thought the measure brought forward by the noble lord wholly unnecessary. The executive government could resort to martial law, if it was necessary to repress rebellion. The governmen. had resorted to martial-law at the time when lord Camden was lord lieutenant. He did not condemn lord Camden: he thought he would have deserved to be impeached, had he not called in the aid of martial-law at that period. But then, he would ask, what was the object of this bill? If there existed any necessity for martial-law, the lord lieutenant could resort to it; and if there was no necessity, then the object of the bill was to establish martial-law without necessity. He would ask, were not the courts of law in Ireland open at this moment to try rebels? The noble lord had

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insisted on the impossibility of the courts of justice discharging their duty on rebels. He wished the noble lord had given some instance of the impossibility. During the last two years, assizes had been regularly held throughout Ireland twice a year. He was surprised to hear the noble lord say, that juries could not discharge their duty. He called upon him to name the county in which this had happened. When the rebellion raged in Wexford, it was proposed that the judges should not go to that county town; but the advice was over-ruled. Mr. Justice Chamberlain was the criminal judge there, and the original Saxon mode of trial was resorted to. What was the consequence? The rebels petitioned to be carried before a court-martial. The reason was obvious: they knew their guilt; and they chose rather to go before a random court, where the judges acted precipitately und capriciously, than before a court of law, whose proceedings were grave and severe to the guilty. He had a respect for the army; but he would not take officers from the horse-guards to supersede the legal judges of the land. Was a court-martial a better court to try innocence or guilt than the ordinary courts of law? There was but one way in which that could be answered; and then how did the case stand? They sent the poor people of Ireland to be tried by a worse tribunal, when they might have a better. They sent the poor people of Ireland to capricious boys to be tried, when they might bring them before the legal judges of the land. He appealed to the right hon. gentleman (Mr. Pitt), who, no doubt, would have risen to the highest offices of the law, had he continued to exercise that profession, if he would have trusted the case of any of his clients to be decided by a colonel of the horse-guards? He complained of the incompetency of a court-martial: that was the character that made them unfit for the solemn duty imposed upon them by the act. They could not ascertain the difference between innocence and guilt: they had no principles on which to decide, but were creatures of caprice and accident in their decisions. If it was so easy to decide on such questions,—if there were no such thing as the science of evidence and law,—why had we judges? A general assertion of facts was not ground for a measure of this kind. It was not pretended that this act helped, in any way, to take the rebels: no, they were in custody, and the pretence was, that no jury would try them. He desired to know an instance of a jury not being found to try rebels? No one had ever occurred, though it had sometimes happened that juries were too prompt to do their duty in such cases. If he might offer his advice as to the remedy for the evil complained of—the spirit of discontent and rebellion, manifested by 63 persons being tried in three months—he would humbly state, that the only politic mode was, to permit the law to take its ordinary course. Judges of the law should not be sent to administer justice steadily and severely, but to administer justice. They would then be feared and loved: courts-martial might be feared, but never could be loved. Those who wished the rebels to lay down their arms and revere the laws, began by trampling on the laws; setting strippling officers, without rules, and guided only by hasty, temporary thoughts, over the judges of the land; and, and in this way, debasing the whole system of jurisprudence. There was no doubt of the honour of the officers. But that was not the question; and he would call on the House to pause before, in the first great act of the united parliament, they condemned Ireland to be tried by boys instead of judges. The noble lord had told the House that they might rely on the integrity of the lord lieutenant of Ireland. He joined in all that could be said to the advantage of that nobleman; but, was lord Cornwallis always to be lord lieutenant? A noble lord was spoken of to succeed him. The new governor might be ignorant even of the loose rules that belonged to courts-martial; and the poor people of Ireland might be deprived even of the benefit of the revision of sentences by a soldier. He would call the attention of the House to the opinion of a great lawyer on the means of calming the minds of the Irish. He spoke of sir John Davies, the best present this country ever sent to Ireland. He was the attorney-general of James 1st, and he wished every attorney general of our days had as much respect for the constitution as this great lawyer. He was sent to Ireland after a rebellion: and he gives an account of the proceedings to quiet the minds of the people. The rebels having been put down by the king's arms, the administration of justice was restored. The judges went the circuits; and "these circuits of justice," says sir John Davies,

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"did more terrify the loose and idle persons, then the execution of the martial law, though it was more quick and sudden; and in a short time after, did so clear the kingdom of thieves, and other capital offenders, as I dare affirm, that for the space of five years last past, there have not been found so many malefactors worthy of death in all the six circuits of this realm, as in one circuit of six shires; namely, the western circuit in England. For the truth is, that in time of peace, the Irish are more fearful to offend the law, than the English, or any other nation, whatsoever."* He would recommend this example to the House. The noble lord had been lately in Ireland, through a remote part of the country, and had travelled even without a corporal's guard. The poor people wanted only the benefit of the law of the ancient Saxon constitution, in the place of courts-martial and arbitrary tribunals; and he would recommend the House to consider before they denied them that benefit. Arbitrary measures never civilised men. If they could have done so, Morocco would have been civilised and happy long since. The present measure was in the spirit of a quack: it might heal the sore, but would not correct the habit. Sir John Davies had shown that, but substituting the Saxon constitution in Ireland, in rude times, for military executions, Ireland was tranquillised. Ireland had her Magna Charta, as well as England. He would recommend the House to grace its first act towards Ireland, by rescuing that country from military tyrants. At present, Ireland had not a government so good as had been granted to the convicts of Botany Bay.

Mr. *Denis Browne* said, he would support the original motion. He referred to the report of the secret committee, and the confessions of the traitors, to prove that the object of the conspiracy in Ireland was to separate that country from England; and, had it not been for martial-law, that would have been effected. Jurors and witnesses had been murdered by the rebels for acting upon trials. He would name a fact that would show the state of the country. Many persons who were loyal and well disposed had subscribed to support the traitors in prison; and when he had asked, how they could do so improper an act; they declared they were compelled to subscribe, to protect themselves and families from the partisans of the traitors.

Sir *George Hill* contended, that palliatives were unfit for Ireland. He complained that the hon. baronet had introduced the question of parliamentary reform and Catholic emancipation in March 1798; and, although nineteen in twenty of the country were against him, yet great mischief was done by that attempt at conciliation. He maintained, that the instance of sir John Davies was not applicable to the present state of Ireland. That was long after a rebellion had subdued, while this was in the midst of rebellion still existing. He corroborated the statements of Mr. D. Browne, as to the danger of jurors and witnesses. In the spring of 1797, this shameful compromise was made in the counties of Tyrone, Donnegal, and Derry, that persons having committed capital crimes were tried only for less offences, that they might escape death; and this was done by the prosecutors and others, through fear of being murdered. A man who had committed a midnight outrage was taken in the fact; and being brought before him, confessed who were his accomplices. He took down the man's examination, and afterwards brought him up to be examined by the crown lawyers. When the man entered the room, he seemed to behave with propriety till the examination was produced, when he flew at him (sir George Hill), and, snatching the examination, tore it to pieces, exclaiming, "Now I am a happy man!" He said, that the threatening letters written to his family in consequence of his confession, had caused this conduct.

Mr. *Grey* said, that he had heard much from the noble lord, that surprised him greatly: he had expatiated on some valuable principles; he had talked of the spirit of the constitution, and seemed inclined to make it an object of his panegyric; but he wished the noble lord had acted a little in its spirit. The noble lord had fairly confessed that this was an unexampled measure; he should therefore have shown the necessity that excused measures of such a description. The noble lord had dealt in nothing but general assertions. There had been other rebellions in Ireland, when no such measures were adopted. But the noble lord says, "this is a new kind of rebellion, when other rebellions are subdued, there is an end of the matter; but the

* Davies's Historical Tracts, p. 213.

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spirit of Jacobinism has changed the nature of man." He had hoped that the House had done with the story of Jacobinism; but if it were to be revived, the noble lord was not exactly the person who could with most propriety begin the subject. If, indeed, the history of the commencement of Jacobinism were to be given, the noble lord might not be the least qualified to throw some light on it. There were ministers, who, when out of place were Jacobins; who started questions to mislead the people; who lured them into schemes of reform, to overthrow an administration, and then not only abandoned the people, but accused their old abettors of treason for what they had taught them to do. If Jacobinism was licentious out of place, in place it was tyrannical in filling the country with terror and coercion. If Jacobinism was the child and champion of reform, when out, it was the parent of despotism when in. But the noble lord had not made out the necessity of this measure by this revival of Jacobinism. The hon. baronet had called for an instance, in the two last years, of the regular assizes being interrupted, or of juries refusing to do their duty. The hon. gentleman over the way had told a story of the spring of 1797, four years since. Was this a proof of the necessity now? That was in the heart of the rebellion, which had since been declared from authority to be subdued. The noble lord spoke of this as a temporary measure; yet there was something in his speech which too clearly proved that this was part of a system of general policy. A story had been told of house-breakers: he should be glad to put this question: how far is the law to extend, and to what offences? He knew there were words in the act that would embrace any offence or any action; the words were, "Or in furtherance of the rebellion." What might not be called an act in furtherance of the rebellion? He maintained the act to be a suspension of all law, without necessity. There was a total failure of the proof of necessity. The noble lord talked of the inveteracy of Jacobinism; but there had been in Ireland, the White boys, and parties bearing other names, not less virulent. Those parties, by their acts, might as properly have been brought forward as proofs of the necessity of this measure, as the Jacobin spirit the noble lord had talked of. What inconvenience would arise from the delay of a week or a fortnight, till the inquiry was made into the necessity? The noble lord had talked of the character of the present lord lieutenant. But he would resist the general principle, that a measure was good, because it was in good hands. And before he could consent to this, on the ground of lord Cornwallis's character, he must know if he was to remain in Ireland. It was said, he only now waited till the appointment of his successor. He must know who that successor was, before he voted him the powers of this act. Would the noble say that courts-martial were infallible in Ireland; and that, even if lord Cornwallis remained, there could be no ground to censure their proceedings? The fact was notoriously otherwise: a man had murdered a poor fellow in his mother's arms, to which he had pursued him; he was tried by a court-martial and acquitted; and lord Cornwallis dissolved the court-martial with marks of displeasure, and an order that it should not be summoned on any other occasion. The noble lord acknowledged the measure to be unexampled, yet offered no proof of its necessity. It was better that the executive government should resort to what had been called (he thought not legally) its prerogative of proclaiming martial-law. That was no prerogative of the crown, but rather an act of power, sanctioned by necessity, martial-law being a suspension of the king's peace. But it was better that martial-law should proceed from the executive government in urgent moments, than be the work of the legislature on every slight pretence.

Mr. *Pitt* said:—I feel that the debate in which we are now engaged, involves the whole merits of the proposal which my noble friend has announced his intention to submit, though by the singular use which the hon. gentleman has made of a mode of proceeding within the order of the House, we are nominally discussing his motion for adjournment. The course which the hon. gentleman has adopted, is the more extraordinary, as every thing that he said, every argument he adduced, would have applied as well after the proposition had been explained, as it did before my noble friend's motion was anticipated.—The hon. gentleman who just sat down appeared to be surprised at a remark of my noble friend, that the necessity which demanded a measure so unexampled as that which he was about to

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propose, was the effect of the malignant character of the Jacobin principle. The hon. gentleman spoke of Jacobins in power, and Jacobins out of power, but he did not condescend to explain distinctly these allusions. He seemed, indeed, to point obscurely to some share which my noble friend had, at some period, taken in the question of parliamentary reform. Surely, however, the hon. gentleman will not contend that there is not some distinction between the subject of parliamentary reform and Jacobinical principles; surely, he will not contend that there can be no situation in which a friend to parliamentary reform may be free from the taint of those doctrines, which have spread such confusion throughout Europe. If the hon. gentleman himself has supported the cause of parliamentary reform at a period when he had little support in the country, except from those who professed that object to conceal deeper and more dangerous views, he cannot find any suspicion of Jacobinism in the conduct of him who maintained that cause at a period when it was connected with no such deceitful alloy, and threatened no such fatal consequences. I am not so uncharitable as to suppose that every man who is now a friend to parliamentry reform, must be a friend to Jacobin principles; I only crave that the hon. gentleman would allow that indulgence to those who embraced that cause at a time less liable to suspicion and misconstruction than that in which some others have agitated the question. If those who brought it forward, connected as it is with the doctrines of the rights of man and the French revolution, when detected and exposed as the pretext of those who were engaged in a traitorous conspiracy in Ireland to overturn the government, and when some of its most zealous supporters here were suspected of similar machinations, could claim a fair construction of their motives, they cannot refuse the same charitable interpretation to those who have less occasion for the indulgence. If, however, the hon. gentleman is more studious to accuse himself than to acquit others in his views upon this subject, it is a very strange species of candour; the full credit of which I leave undisputed to the hon. gentleman.—Returning, however, from this digression to the principal question, I must presume that it seems presumptuous to attempt adding any thing to the able, perspicuous, and convincing speech, with which my noble friend opened the case—a speech which, I trust, will not merely be sufficient to satisfy the House of the vote which they ought to give to-night, but afford ground of congratulation, that on all questions connected with the affairs of Ireland, and indeed all other topics of deliberation, we shall have the assistance of the same talents in an enemy of Jacobinism. The hon. gentleman observed that my noble friend had said, that the measure was "unexampled," and yet, almost in the same breath, he complained that he had advanced no precedents in support of it! My hon. friend did say that the measure was unexampled, but how unexampled? It is indeed a measure unexampled in the necessity by which it is called for, and yet, I will assert, unexampled in the lenity by which it is distinguished. In former times, when it was found necessary to resort to martial law, the contests were soon decided in the field. They did not, on the present cause of its application, pervade every part of the machine of government, every artery of the social system; they did not enter into all the concerns of the community, poison all the comforts of private life, and all the sources of public security. The mischief and the danger came armed into the field; and, the battle won, the victors and the vanquished again enjoyed, though in different proportions, the comforts and the advantages of the social state. In this case, however, the danger is of another and more malignant species. Here, under the baneful influence of Jacobinism, your enemies, although defeated in the field, only separate; the vital principle of enmity to order and social comfort still remains, confined, indeed, in scantier bounds, and with diminished means, though with undiminished rancour. The prerogative of exercising martial law, which was adequate to a sudden attack, and to a passing danger, is not equal to contend with a rebellion founded on principles so secret, so disseminated, so powerful, and so persevering. To obviate the defects of martial law, extended upon perogative, it is necessary to improve and to enforce it by legislative provisions.—Having settled what is the description of the measure, it is asked, what is the call for it? To this we answer, that the public safety imperiously demands it; we contend that it is necessary for the defence of the government, for the safety of the lives and the property of his majesty's faithful sub-

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jects. If we had trusted to the operation of martial law, introduced and maintained by prerogative alone, we should have established it in concurrence with the jurisdiction of the civil courts; or rather, in order to meet the designs of the desperate and disaffected, we should have been compelled to withdraw the benefits of the law from the whole of his majesty's peaceable subjects in Ireland. Which course then is to be preferred? Shall the government renounce its guard and control over the designs of the disaffected? Shall it give room for rebellion, contracted in its sphere and broken in its concert, to rally its courage and re-unite its scattered parts? Or shall we have recourse to that system of martial law which would deprive the unoffending of its protection? Or shall we not act more wisely in preferring a system which combines the benefits of law with the vigour of precaution; which obtains the safety of the state and leaves the ordinary administration of justice? Such a system, which does not in a single point overstep the immediate necessity; that leaves untouched every thing which it is safe to leave, amidst circumstances so critical and so difficult, deserves to be considered what I have characterised it—a system of unexampled lenity.—But, Sir, some gentlemen seem to suppose that nothing can be a rebellion but an army in the field, disputing the right to power in the constituted authorities. Let us examine this—Is it under any notion of either law or policy that this is to be so contended? Is it policy—is it justice—is it mercy to those who are loyal, to have this stand as the definition of rebellion? It will have the effect of putting on a level with the loyal all those who are not actually in the field in open rebellion. Civil tribunals, when they can be kept up to decide upon civil rights, are certainly superior to other tribunals, but it does not thence follow that all military tribunals are unnecessary; nor does it follow, that, because, generally speaking, they are inferior to civil tribunals, they are therefore of no use; it does not follow, because all the proceedings of the civil power are taken upon oath, that there is no such thing as an oath in the proceeding of the military courts. They do not proceed without oath to the judges, nor without oath of the accusing party, nor without oath of the witnesses; and therefore, although I admit the proceedings of a court-martial, in general cases, to be a less advantageous mode of administering justice than that of a civil tribunal, I cannot assent to the assertion, that courts-martial are totally destitute of form and system; and when the hon. baronet asks me, as a person bred to the law, and therefore one from whom he expects to find a great attachment to that law, whether I do not prefer the civil to the military tribunal, I must be allowed to say that I have a sincere attachment to the laws of my country, but not more attachment than any other honest subject of the realm. In truth, although bred to the learned profession in a very early part of my life, I had but a short acquaintance with it—enough, however, to admire the excellence of it, but not enough to make me despise any other system which the necessities of a state may require. As a general proposition, I do not contend that a court-martial is a preferable mode of trial to that of the civil tribunal; but I say, that by a constant practice of this country, in the management of its public concerns, there have been occasions, and there always will be occasions, where the trial by a court-martial is preferable even to that of a trial by jury, because better adapted to the case to be tried. If this be not so, for what reason is it that we are, year after year, in the constant habit of passing the mutiny bill? Let it not be supposed that I wish the martial course of proceeding to be extended beyond its necessity, to the diminution of the civil power:—I only say it proves this, that parliament have considered what forms are best adapted to cases, instead of following one uniform course for them all; and even in ordinary times of peace and public tranquillity, it was considered that the martial law is better adapted to some cases than the civil authority. If parliament have been in the habit of adopting military law for the decision of some cases, what will they not do when the public safety depends upon adopting such a system? When the first object is the public safety; and when civil process cannot be resorted to, or the ordinary mode of civil process cannot be carried on without this military aid, I ask, what is it that parliament will not assent to, for the purpose of accomplishing this system of protection? If this be so, will any man tell me, that retaining, as I do, an enthusiastic reverence for the trial by jury, it is not better to have a partial mi-

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litary law, for the preservation of the essence of that very trial, than, by clinging to the name of a trial by jury, lose both the spirit and the substance of it? Sir, if we come to the question of law, I shall not presume to argue it; I have not been long enough in the profession to possess much knowledge of it; there are others in this House ready, and competent to that task, if it be necessary to discuss it. But I would ask, whether any man will tell me that the crime of rebellion depends on five or six, or fifty, or five thousand men assembling together? I say, no; that is not the standard to which to refer the question of rebellion. If there be a systematic plan formed for the destruction of a country, and there is a concert of men, whether three or five, or any other number, to accomplish that end, whether by burglary, or robbery, or murder, or any species of criminality whatever, or, in furtherance of that plan, to deter the loyal and peaceable part of the community from being true to their allegiance, for the purpose of executing with more facility their martial law, as a system either of terror or otherwise, to rob triumphantly, or take away by stealth —whether it be "the pestilence that walketh in the darkness, or the sword that wasteth in the noon day," if its character be rebellion, rebellion be it called;—if its effect be to defeat the purposes of civil proceess, whether by skulking, with the dagger of the assassin in its hand, or by assuming the parade, the pomp, and the circumstance of, I will not say glorious, war, it is still rebellion. Whether flagitious, bold, and open, or sly, insinuating, and crafty — whether with much or with little bloodshed, may be points that may constitute a difference in the degree; but, which is most detestable, is a thing not worth debating. What then is the question before us? Whether you will now take a qualified, restrained limited, governed martial law, and preserve the great mass of the civil rights of the subjects in Ireland; or will hazard an opinion in which the whole may be thrown under the unqualified, unrestrained, unlimited, and ungovernable spirit and uncontrollable practice of martial law? I say that on such a question no honest intelligent man can possibly hesitate. The hon. gentleman has alluded to the character of the noble marquis, who is at the head of the executive power. Upon the merits of that illustrious personage, I feel more than I am able to express; but I have the satisfaction of knowing that my sentiments are in unison with those of every friend to real virtue and enlightened patriotism, in admiration of the noble marquis. My noble friend has produced the authority of that high and respected character, as evidence of the necessity of martial law, in the situation of Ireland. Lord Cornwallis, since the rebellion, has issued many warrants for holding such courts, even these courts have tried and condemned persons for various offences. They have tried and convicted men, not merely of offences constructively amounting to what is called furtherance of rebellion, but of the crimes of murder and rebellion. But the hon. gentleman says, a court-martial may judge ill; and he gives you a solitary instance as a proof of this. Why, Sir, so he may of the conduct of a jury; but what would be said to me, if, after giving an instance in which a jury had convicted where they ought to have acquitted, or had acquitted where they ought to have convicted, I were from thence to conclude that the trial by jury is an evil, and that you ought to have no more of it? I believe I should not have many supporters in this House, or in this country; and yet the hon. gentleman's instance of the mistake made by one court-martial, amounts to no more than what I have stated. But it is said that the courts of law are open; true the courts of law have been opened; the judges have been enable to hold their assizes, because the wise and benovolent measures that have been pursued, because the very measure now in discussion, afforded that protection and security which justice could not otherwise have obtained. It is owing to their salutary precautions that civil process has been preserved to the peaceable. If, amidst such perilous circumstances, the laws have maintained their course as in time of peace; if individuals have been protected and the constitution of the state defended, it is by a continuance of the same vigorous, but tempered, system that Ireland can be maintained in the enjoyment of tranquillity and secured from a recurrence of those disastrous scenes, of which the calamities must be fresh in every man's recollection.

Mr. *Whitbread* said, that the point now before the House was not, whether martial law should be continued in Ireland, but whether the House should delay deciding

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this question for a few days, till it could inquire whether that continuance was really necessary? He denied that the passing of this measure would be granting a boon rather than inflicting a hardship. The House was told, that, in the last year, 34, out of 207 had been condemned to death by courts-martial: but the noble lord should have proved, in order to make this any argument that these men could not have been fairly tried in the usual courts. But by this bill a power was left to courts-martial not only to inflict the punishment of death, but to sentence to torture, half hanging, or any other, however repugnant to the principles and practice of civilized life. Was this a part of the boon which this measure was to grant to the people of Ireland? However highly he might think of the honour and principles of officers of the army, he was clearly of opinion that they were not the fittest persons for the administration of justice; that recourse ought never to be had to courts-martial, except in cases of the strongest necessity, or when recourse could not be had to the ordinary courts of justice. A boy of seventeen might sit as a member of a court-martial, but no man could sit on a jury till he was twenty-one. He called on the House to consider, that this was their first act relating to Ireland since the union of the two countries—a union which was to allay all animosities, stifle all discontents, and be the harbinger of amity and concord.

Mr. *Canning* called on the House to reflect well, before they repealed what the individual legislature of Ireland had done for its safety, and to be cautious, lest, in speculating on the interests of Ireland, it should betray our own.

Mr. *Trench* contended, that no previous message was necessary to lay a foundation for the present measure. If the bill were suffered to expire, the offenders now in custody would be set at large, and though it should be renewed in the course of a few days, yet irremediable mischief might be done in the interval. In the year 1799, 22,000*l.* worth of young cattle had been destroyed in less than a week in the western part of Ireland. The persons guilty of the crime, it was true, might be influenced by local motives, but those who urged them on, aimed at nothing less than the subversion of the empire. The courts of law were indeed open, but juries dared not do their duty, and witnesses were afraid to come forward. He knew one in which the misconduct of a jury was so flagrant, that the judge ordered their names to be posted up for public reprobation.

Mr. *Fitzgerald* (knight of Kerry) said, that the common law of England, which required no eulogium, was built on the principle, that every witness would tell the truth, and the judge and jury do what was right. Such was, in fact, their conduct; and why? Because they found they did do so with safety in the face of their country, and without any danger to their lives or fortune. But by the ingenuity of the men who conducted the rebellion in Ireland, for many of them were lawyers, this, which should be the life, was turned to the destruction of the constitution. The vicinage, which was originally for the protection of the juror, became the source of his ruin. If a man could forswear himself, in his vicinage, without injury to his character or property, what but perjury could be expected? He might ask what else could he do, when, in the midst of his accomplices, a lawyer should caution him that he stood in the face of his country? What else could a juror or a witness do, with his wife and children crying about him, and his blunderbuss under his pillar? If any body doubted the truth, let him live six months in Ireland, through which, without this law, twelve judges and an appropriate number of constables could not be sent with safety. The state of that country obliged its parliament to make use of the army, not to overturn the law, but to restore the law. If any body supposed the Irish gentlemen wished for martial law, he wronged them; their object was, the restoration of the constitutional laws of the kingdom; for that purpose they called on the other members of that House to strengthen their hands, and not by speeches to paralyse their arms.

Mr. *J. C. Beresford* reprobated the insinuation that military men would preside at a court-martial with the remembrance of what had passed in the field rankling in their hearts. Such a feeling was more likely to happen in the case of a juror, whose child or other relative was murdered a little while before. The rebels of Wexford, he said, requested to be tried by courts-martial, and not by the civil law. The courts, it was true, were open, but juries dare not give honest verdicts.

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Mr. *Ogle* said, that if the bill should not be passed, he would not be answerable for the peace of Ireland. The storm and tempest of rebellion had subsided; but their remained a dangerous swell, and the spirit that first disturbed the waters was still alive and active. Whoever should say there were safety and security in Ireland, was mistaken; nothing but martial law could save it.

Mr. *M'Naghten* contended, that martial law was necessary to the safety of Ireland, and that without it the perpetrators of the most enormous crimes could not be punished. Nobody loved the constitution more than himself; but it was for the purpose of preserving it, that he voted for the proposition.

Mr. *Somers Cox* said, he had resided a short time in Ireland after the rebellion, and was fully convinced, from his experience during that visit, that if the state of the country was now the same, it was impossible there could be any order or security without martial law.

Dr. *Laurence* said, he could not suffer the question to go to a vote without opposing a measure, which was no more like martial law, than the constitution of Algiers was like the constitution of England. The old system had forms and principles, but the present superseded them all. The Mutiny bill was full of all possible checks; but the present bill took away those checks. Not only were the principles of the system different, but also the executive part of it. With 100,000 men in Ireland, why was the number of officers that constituted a court, limited to three, while even in Wales five were required? Out of thirty-two counties, the noble lord had only mentioned three in a disturbed state. This showed the danger was not so great as some would insinuate. Within the last twelve months only 37 persons had been brought to trial before courts martial. This was a further reason to suspect that the evil was not so alarming. He should applaud a vigorous government under a strict responsibility in dangerous times; but a system of the kind now creeping in, he should always oppose.

Mr. *Martin*, of Galway, observed, that it was evident, from the statements of both sides of the House, that there existed no tribunals to which rebels could be properly brought, except courts martial, or tribunals similarly formed. Mr. Toler, now chief justice of the common pleas, had assured him, that such was the avidity of a jury, that in one morning they convicted thirty persons, whom he was obliged to recommend to mercy. The rebel himself, therefore, he should expect, would exclaim against a tribunal where he had such little chance of lenity. A tribunal of the kind now proposed to be continued, was only a commission to take evidence, and its sentence was afterwards revised by the lord lieutenant. He deprecated the introduction of the Catholics into the debate, at a time when their claim was not before the House. It had been stated, that the priests were the generals, and that it was a Catholic rebellion. He contended, on the contrary, that it was a Protestant rebellion, and that the principal leaders were all of that persuasion.

Mr. *Lee* contended, that Ireland was not in a state to be governed only by a jury. He referred to the Journals of the Irish House of Commons. In them would be found an act for making the information of a witness murdered before trial, evidence to go to a jury. This was a measure rendered necessary by the frequency of cases, where men were murdered to prevent their giving evidence against rebels. He also referred them to the act, by which a number of persons, conspiring to murder, were held equally criminal as if they had carried their intent into effect. There was also the act by which a man found from home between sun-set and sun-rise, and not giving a satisfactory account of himself, might be sent by the magistrates to serve in the army or navy. This was rendered necessary by the mode in which rebellion covered the land. The mode was this: ten men met at night, and swore each other to swear to their cause each of them ten more. Each of these ten were sworn to swear a like number, and so on; so that such a system would be soon diffused over any country, however populous or extensive. It was impossible, therefore, for the Irish parliament to have proceeded more mildly than it did under such circumstances. The rebellion of Ireland was different from every other of which history furnished an example. It was a rebellion on the principle of the Agrarian law, superinduced upon poverty; in which every man was taught that he had an interest, and that in the event of its success, he must get wealth and property. So far was this principle carried, that these nocturnal rebels often met and divided the

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spoil before the battle was fought. There was one instance in which, after having parcelled out the estates of a very rich gentleman of the neighbourhood, they quarrelled for the mansion-house. The present measure was not brought forward by the executive; but the property of the country demanded it.

Mr. *Horne Tooke* thought it would not be impossible to reconcile both sides of the House. He believed martial force was necessary for Ireland; but there was a great difference between martial force and martial law. There were only four counties stated to be in rebellion, or likely to be so. Now, it was the custom of this country, when any part was disturbed, and a fair trial could not be had there, to bring the delinquents to trial in sound parts, where the juries were unprejudiced and the witnesses protected. He conceived, then, that with the great martial force in Ireland, this mode might be easily practised.

The motion of adjournment was negatived, and leave was given to bring in the bill.

March 16. Mr. *M. A. Taylor* stated, that when the bill went into a committee, if there was not a clause introduced to prohibit torture, he should move one to that effect. He would rather wish the noble lord should propose one; but if he did not, he should think it his duty to submit one, and he trusted he should meet with the support of the House.

Lord *Castlereagh* said, he was at a loss to know what the hon. gentleman meant. Unexplained, the language he had uttered could only have the effect of conveying to the public, that this act was not passed for the purposes it professed, but for the infliction of torture. Never was any charge so groundless. He hoped the hon. gentleman did not mean to insinuate, that, under colour of the bill, torture was inflicted upon the people of Ireland. If he did, he could assure him nothing was more unfounded or groundless. He should address himself more at large to the House, should the hon. member introduce a clause, inferring the existence of a fact, which was no less unfounded than injurious [Several members, particularly Mr. Pitt, exclaimed Hear, hear!].

The Speaker observed, that the conversation was irregular, as no motion was before the House. Lord Castlereagh moved, that the bill be read a second time.

Mr. *M. A. Taylor* said:—I hope the noble lord will permit me to occupy, for a few moments, the attention of the House, in vindication of myself, for having stated what I have heard, not from one, but many. He seems to think I have made a charge against the government of Ireland. I will tell the noble lord, that I am never inclined to bring forward any thing in the House, but when I am justified in so doing. I am not in the habit of bringing forward charges by side wind, but in a plain, open, and frank manner. If he would only give himself the trouble to think a little upon the subject on which he seems to have such doubts, he would find I am not the only one who entertains the opinion of torture having been inflicted in Ireland; but that a character of high authority in Ireland expressed the same in one of his speeches in the House of Commons of that country, which speech was afterwards published. The same things were mentioned by other members, and were vindicated by the present chancellor of Ireland. On what ground, then, does the noble lord say that these things are not permitted in Ireland? I say they are permitted—they were permitted under the administration of lord Camden, the predecessor of the present governor, and they are continued under that of lord Cornwallis. To prove it, we have only to look to the reports of the committees of the Irish Houses of parliament. Does the noble lord suppose we are quite ignorant of what passes in Ireland? Does he think, because he hears a cry of hear! hear! from a certain quarter, that he has therefore got me into a scrape. I am not going to give any opinion with respect to the bill. I have ascertained all the facts from persons who have come from Ireland, which prove how far such a bill is necessary. I shall wait with patience for the opinion of those better qualified to judge than I am. But English gentlemen who have been in Ireland assure me they believe Ireland to be tranquil; that they have travelled day and night, and seen nothing to justify the passing this act, even for three months. I shall wait till the bill is in a committee; but if such a clause as I have mentioned is not agreed to, I shall give my negative to the measure.

Sir *John Parnell* said, that when all circumstances were taken into consideration, it could not be denied that there existed in the present state of Ireland, a necessity

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for continuing that country under the authority of martial law. In some counties, the disorder was open and apparent; in others, it was but an uncertain and suspicious tranquillity which prevailed. In none could we confidently trust that the mischiefs which preceded the rebellion would not be renewed, as soon as the evil-intentioned should find themselves free from all restraint but that of the trial by jury. But, since martial law must be prolonged, why should it be administered in Ireland, in a manner so much more arbitrary than that in which it is exercised in the ordinary discipline of the British army? Yet here was one martial law for Britain, and another for Ireland. And he supposed, we should have the Habeas Corpus act suspended under peculiar conditions for each country. Arbitrary punishment and restraint tended to perpetuate the very evils against which they might be employed as a temporary safeguard. It became us to watch the temper of the people of Ireland, and to use towards them the utmost leniency that was at all consistent with the general safety. He should be glad to see the present bill rendered as little exceptionable as might be.

Sir *Lawrence Parsons* contended, that Ireland was not at all in that state of intestine war which can alone justify this measure. The roads were open; the ordinary course of business was pursued; the judges performed their circuits, as regularly as in this country. In the county in which he lived, the gentlemen resided at their seats; rode about unattended; came and went at all hours in the night or day; assembled carelessly at balls and public entertainments; visited one another, and pursued their rural sports, as in the most peaceable times. The noble lord himself was lately in his county: let him tell the House, whether he did not find it in a peaceable and happy state. Were the authors of the Union aware, how infinitely they disgraced their own measure, by making the continuance of the authority of martial law its first fruits? As the noble lord and his friends had not made out their case, he should negative the second reading of this bill.

Mr. *W. B. Ponsonby* apprehended that Ireland was in a state of considerable discontent. This measure was ill calculated to allay discontent. It would be the wisest policy to treat the people of Ireland like the people of England, and to let them feel all the blessings of a good government. If this policy were adopted, the affections of the Irish people would be restored.

Lord *Castlereagh* said, that if the hon. member who spoke first meant to attach to any Irish government, either during or since the rebellion, the adoption or countenance of torture, there was no foundation whatever for his so doing; such a charge was wholly and absolutely unfounded. He would not say there were not many unwarrantable and cruel acts done during that rebellion; he was apprehensive that many such had taken place; and that very circumstance afforded strong reasons for the adoption of the measure now before the House, because those very acts of cruelty were committed by individuals for their own protection, as it appeared to them, when government had not sufficient means to protect them. These cruelties arose out of the warfare which took place between the rebels and the loyal subjects of his majesty. Many things were done then which could not be justified in the abstract; but the justification of them was put upon the principle of self-defence. But, as an argument in favour of the bill, he would observe, that from the moment it passed in Ireland, that species of individual violence subsided. No part of the blame arising out of these acts of cruelty was, in the most distant degree, attributable to government; and the system which was adopted under this bill in Ireland had been acted upon by the present lord lieutenant, whose humanity was as conspicuous as his courage. This bill was to prevent those cruel acts from being repeated by individuals from an apprehension of their own preservation; for by it individuals were satisfied that they had protection under the authority of government, and that therefore there was no necessity for them to take their protection into their own hands, which they would be driven to do unless government were armed with this kind of authority. For the rebels had a systematic and regulated plan of procedure. It was an organized conspiracy, not only against the state, but against the person and property of every individual who adhered to government: this produced acts which no man could justify; but they should be attributed to the true cause. If gentlemen wanted instances of the organization of the rebellion, he would refer them to

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places in which courts-martial were sitting, not of his majesty's forces, but of the rebels in their own camp, in which they proceeded to try those whom they called traitors, that is, those who did not adhere to them; and those they did not only condemn, but execute also. This they did by removing from their station in the night, to which they returned again before day-light. No civil power could take these practices into consideration, nor could any evidence of the fact be had except that of a criminal who had taken an oath to be a traitor; and the judge must have told the jury that such evidence would not do to convict the accused, because it was the unsupported evidence of an accomplice; and these attempts to enforce justice, and procure tranquillity, would only have exposed the lives of his majesty's loyal subjects; and therefore, under this complication of evils, it had been deemed adviseable to pass this bill, not to overturn, but to protect the municipal law.

Mr. *Martin*, of Galway, ascribed the present general tranquillity of Ireland to the operation of martial law. If a greater degree of disturbance had prevailed since the enactment of the bill, it might have afforded an argument against it; but the effects it had produced were its best eulogium. An hon. gentleman wished to fasten on the Irish government the charge of putting persons to torture, for the purpose of extorting confessions; but it should be remembered, that the first act of the present chief governor was, to give out, in general orders, that no torture should be inflicted. Would the hon. gentleman point out any statute or custom in Ireland to authorize torture? Was he ignorant that it was forbidden by the law of Ireland? Was there any thing in this bill authorizing torture? And if there be nothing either in the existing law, or in the proposed bill, for that purpose, was his argument pertinent?

Mr. *Courtenay* said, it had been acknowledged, that there was now but one court-martial in Ireland. If that was the case, could there be any necessity for a law so absolute, tyrannical, and oppressive, as that now proposed? The wisdom of marquis Cornwallis had done more towards tranquillizing Ireland, than all the trials that had been instituted by martial-law. And indeed, if restoring that unfortunate country to tranquillity could be the effect of any such law, why had we sent so great a number of troops to do it? The Habeas Corpus act was also to continue suspended in Ireland. Were these the blessings that were held out as resulting from the union? The Roman Catholics, it seemed, were also to be disappointed. But he trusted that no intrigue would be suffered to prevent that question from coming before parliament. The orders issued by marquis Cornwallis fully proved the exercise of torture in Ireland. Then why accuse his hon. friend of having made a groundless assertion?

Colonel *Longfield* argued the necessity of the measure, from the recent circumstances of a witness against a rebel having been way laid and wounded, and the mail-coach having been lately robbed by an armed banditti within a few miles of Carlow. These ruffians were as well armed as his majesty's troops, and could not be put down by the civil power. In his opinion, Ireland was now in a worse state than it was in June 1798.

Mr. *Dawson* said, he had heard many hon. members declare, that, to their personal knowledge, several parts of Ireland were in a state to render this bill necessary; and therefore he should not oppose it, although he himself did not know of any emergency that required it.

Mr. *Alexander* said, he was one of those who had not been duped by assurances of security before the rebellion had broken out, and he should now lend as little ear to the averments of present tranquillity. A certain number of mischievous men had seduced the great mass of the population in Ireland; and the conspiracy had been fostered by men of property and talents. Its extent and importance were proved by the aid given to it by the French Republic. It was such a conspiracy as the intrinsic force of the country could not of itself have withstood. He had himself seen 60,000 pikes sent from the metropolis to the insurgents; and if these had been distributed, there were no more than 5,000 yeomanry to withstand the attack. Against this mass of pikes there was certainly no reasoning. They wanted separation from England, a French connection, and an equal division of land. To treat or compromise with such men would be a waste of lenity. In his opinion, the rebellion still existed in all its extent, though not in all its force. If the rebels were encouraged by the failure of the present bill, the danger could not be removed by any after-measures. There

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was no treating with Irish Jacobins. If we did not rule them, they would rule, and exterminate us.

Mr. *Westenra* said, that from his knowledge of the south of Ireland, he was convinced that this bill was absolutely necessary. It had, for its object, to prevent atrocities, many of which he had witnessed, and the mere recital of which would cause every man of feeling to shudder.

Sir *F. Burdett* said, that when he heard that discontent prevailed, not in particular parts only, but almost in every part of Ireland, he thought himself justified in inferring that this general discontent must have a general cause, and that cause he looked upon to be oppression. But would this measure do away the grounds of discontent; or were these the effects that were to be expected from the Union? Some called the disturbances in Ireland a Jacobin rebellion; others call it a popish rebellion, others again represented the jurors and witnesses as greedy for blood, and that this was a measure of lenity to resist that sanguinary disposition; while others argued in favour of it, as one that was to protect jurors and witnesses in the conscientious discharge of their duty. From such various statements what rational conclusion could be drawn? For his part, he was disposed to adopt the distinction made by an hon. friend of his on a former occasion, and to recommend a recourse rather to martial force than to martial law. All agreed as to the good effect produced by the former, and confessed that it put down the rebellion and restored tranquillity. But the drift of their argument would go to continue this mode of administering justice for ever. He should not be tempted to rip open the bleeding wounds of Ireland, or refer to the cruel transactions that had taken place in that unfortunate country. He must, however, contend, that what was said of the use of torture was said with truth; and must refer to the opinion delivered on that subject by the greatest and wisest man in the country (Mr. Fox): with all his manly eloquence and forcible reasoning, he could not induce this House to come to a vote, that torture was not an unconstitutional measure;* for the resolution moved by him was negatived after having been opposed by the right hon. gentleman (Mr. Pitt), who argued in favour of that rigorous measure, on the same grounds on which it was supported by lord Clare in the Irish House of Peers —that the torture was justifiable, because the pain which an individual endured was not to be put in competition with the general good. Was this language becoming an English minister in an English house of parliament? and ought they not to reflect with some degree of shame, that it passed without a murmur? He was however happy to find, that a measure, as impolitic as unjust, had attracted the serious attention of parliament. Why not attend to the lesson given us by that great and extraordinary man who displayed his greatness by consolidating the French republic (Buonaparté) [Hear, hear!]. He must call him a great and extraordinary man, who had obtained so much for his country. He had shown us in La Vendée, which he found in a state of rebellion, what were the effects of justice and of mercy. Let Ireland experience a little of that mercy and justice from this country, to which it had so long been a stranger, and we should form a bond of union more strong and durable than parchment could ever make.

Mr. *Pitt* said, that if he were called upon to give his opinion on the present occasion, he should content himself with saying, that it perfectly accorded with that of his noble friend; but, in respect to the arguments and sentiments attributed to him, it would be sufficient to remind those who might think such a circumstance worth remembering, that he was not present in the House during the debate to which the hon. baronet had alluded; and, of course, could not have delivered any opinion on the subject.

Lord *De Blaquiere* considered the measure to be essential to the security of Ireland. An hon. baronet had proposed that there should be but one law for the two countries. Now, before the same law could be applicable to both countries, it would be necessary either to create a rebellion in England, or to put down that which existed in Ireland. Other gentlemen had declared, that there were no courts martial sitting in Ireland, and that jurors and witnesses could discharge their duty without danger; but he could state fifty instances of persons being murdered for having faithfully performed their duty as jurors or witnesses. With respect to the tranquillity which was supposed to exist in Ireland, he could only say, that

* See vol. 33, p. 1516.

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in July last, they burnt his house to the ground. He supposed they intended it as a compliment to him, for it was upon his birth-day.

The bill was read a second time.

March 18. The House being in a committee on the bill,

Lord *Castlereagh* stated, that though he was perfectly convinced that no court-martial had ever sat which was composed of so small a number as three, and was persuaded that it would be more expedient that this, as well as all other particular regulations, should be settled by the lord lieutenant, responsible as he was for the manner in which he employed the power vested in him by the bill, he was willing to accede to an amendment, for the sake of satisfying any scruples which might exist on the subject. For this purpose he proposed, "That the number necessary to constitute a court martial, sitting under the terms of the act should be increased to seven, and that two-thirds should in all cases be necessary to sanction the execution of the sentences of courts-martial."

Mr. *Grey* said, that the amendment was good so far as it went, but that it did not go far enough. Only at Botany Bay, and on the coast of Africa, was so small a number as five officers competent, under the mutiny bill, for the British army to form a court-martial. Nothing less should satisfy him, than the placing of the constitution of the Irish courts-martial, under this bill, on the same condition as to numbers with the courts-martial in the British army. As to the age, too, at which, under this bill, an officer might legally have a voice in a court-martial, it was surprising that no alteration should have been proposed. By the acts whose force it was intended to continue, a youth of seventeen might have one voice in three which were to acquit or condemn to death one of his fellow-subjects. But was it fitting that a judiciary power, above all others the most awful in its exercise, should be entrusted to a boy incapable to contract a civil debt? Surely the noble lord could not resist an amendment which should fix twenty-one as the age under which no officer could have a voice in the courts-martial. It had been strenuously insisted, that torture or punishment to extort confession, was in no wise authorised by the acts which the bill was to continue. But those acts, and even this bill, certainly did grant to the commander in chief power to execute martial law independently of the authority of courts-martial. What was this but to punish without trial and without inquiry—to inflict punishment which might even have its end in extorting confession? Could this be otherwise regarded than as the most odious application of torture? Mr. Grey concluded with moving three amendments, agreeably to the tenor of his speech.

Dr. *Laurence* maintained, that, as the act now stood, it left a dangerous discretionary power in the hands of the executive government. It did not appear to him to be at all assimilated to the mutiny act: the one was calculated to punish rebellion in the field, whereas the other vested the officers of the army, or those commissioned by the lord lieutenant, with a discretionary power which might be prostituted for the most destructive purposes. He reprobated the idea that the lives and property of British subjects should be entrusted to the decision of five individuals. He saw no reason why soldiers, who, in many instances, cruelly murdered the peasantry of Ireland, should enjoy a fairer form of trial than those who had been guilty of excesses during the height of the rebellion; why those who had voluntarily submitted to enter into a state which, by its nature, did not admit of the regular forms of law, should enjoy advantages on a trial, which were refused to those on whom a measure was imposed by force, which superseded the exercise of all law.

The *Attorney General* (sir Edward Law) said, that the only demand now made on behalf of the sister kingdom was, that a power which had done more than any other measure could have done, towards the extinction of rebellion, and the encouragement of loyalty, should be continued for three months, under the management of a great character, on whose administration even calumny itself was unable to attach a stain. When it was stated fully to the House, that every possible degree of attention had been employed to prevent abuse of the measure—when it was proved, that every decision of the courts-martial were referred to future examination—when it was proved, that in all cases where doubts as to the legality of those decisions had existed, such doubts had been proposed for solution to the highest legal authorities in Ireland—when all this was made out to the satisfaction

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of the House, could there be any rational ground of objection to the continuance of the measure for three months? He could not accede to the proposition, that thirteen should be necessary to constitute a court-martial, because in a variety of cases, this might be attended with great inconvenience. If it happened that, at any time, ten courts-martial were sitting at the same time 130 officers would be necessary for this purpose; and this would be far too great a proportion of officers to be spared from the purposes of the public service. To the operation of this measure, he conceived the House owed their debating at this moment, and the preservation of their rights, their privileges, and their property. The aspect of the late rebellion he conceived to be unequalled, not merely in the history of this country, but of any country under the globe; never had rebellion, in former ages, displayed any which, to such a degree, involved the destruction of all that was venerable in political or civil society—of all the social affections which unite man to man—of all the sacred principles which bind mankind to God. Having no reason, then, to doubt the beneficial consequences of the measure, and having no cause to question the humanity, firmness, and impartiality of its exercise, he trusted the House would continue its operation.

Mr. *Grey* was surprised at the fury with which the learned gentleman had spoken on the merits of the measure; but it only served the more to convince him, that it was not uncommon for men to have recourse to declamation in the absence of reasoning. He recollected a story related by lord Shaftesbury, that acute observer of human nature, which appeared very applicable to the present occasion: this story the noble lord related of a person who was in the habit of attending the courts of law, though with the language in which all its business was transacted he was altogether unacquainted. To those who remonstrated with him on his conduct, he replied, that, though unacquainted with the language of the orators, he was always able to judge rightly, by pronouncing against him who was in a passion.

After some further conversation, the amendments proposed by Mr. Grey were negatived.

Mr. *Whitbread* then observed, that, as the bill now stood, there was no limitation of punishment. It took away all law upon the subject wherever it came into operation, and therefore punishments unknown to the law of the land, and even abhorrent to humanity, might be inflicted under its authority. The bill stated the punishment of death, or otherwise, as such courts martial should direct: under this power a court martial, instead of directing a man to be executed on the spot, might put a man to the torture; for these things had been done in the late rebellion, and they were not only vindicated by insinuation, but broadly justified by the first law officer of the crown in Ireland, in a speech delivered by him in the House of Lords, and afterwards published under his authority. Under these impressions, he would propose a clause for the purpose of providing, "that nothing in this act should extend, or be construed to extend, to empower any court, to be held under its authority to inflict any punishment that was not now provided, either by the common or statute law, and recognized in the ordinary procedure of our courts of justice."

Lord *Castlereagh* said, he would assert again, that there never was any thing done under the authority of the act, of which the bill was only a continuance, which was not known to the laws of the realm: nor could any punishment be inflicted, under this bill, of a severer nature than what was already known to the law. Therefore, the objections of the hon. gentleman did not apply to the bill. Insinuations had been thrown out, as if torture had been used in Ireland under the authority or with the approbation and connivance, of government. It had been stated, that a noble lord high in office had justified such practices. The exalted character of lord Clare was of itself a refutation of any charge that could be exhibited against him; but if the committee would look at the speech alluded to, they would see that no part of it warranted the commentary made upon it. What was the history of that speech? A noble earl (Moira) made a motion in the House of Peers in Ireland, and prefaced it by a speech, in which he made certain charges against the executive government, of having employed means beyond the necessity of the case, and even with barbarity in certain instances; and he moved an address to the crown, for the purpose of adopting certain conciliatory measures with the discontented. What were the facts upon that occasion? There was a report of a committee who had diligently

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inquired into the circumstances which made the subject of that motion: that report was now upon the table of the House of Commons; by which it appears, that in the summer when this debate took place, there was an organized rebellion in Ireland, particularly in Ulster, where the rebels had sworn to co-operate with the French, and wholly overturn the government of that country, and effect a total separation of Great Britain and Ireland; and it appeared that nothing but the measures which were then adopted prevented that intention from being carried into effect. It appeared also, that the rebel provisional committee of Ulster sat on the same day that the noble earl made his speech and moved for conciliatory measures. The rebels had declared that nothing but a republic and a total separation from England would satisfy them; and, to the honour of that noble earl, the rebels declared, that notwithstanding his speech, he was at heart as great a tyrant as lord Clare or any other person belonging to the government of Ireland, only he was a little more cunning. The lord chancellor of Ireland answered the speech of the earl of Moira upon that occasion: he wished to examine into facts upon it, which produced, among others, that of a search for arms hidden by the rebels; and if in the course of such a search any individuals had departed a little from the ordinary course of proceeding, it would not have been matter of wonder; for the search, to be effectual, might, perhaps, have made that unavoidable: therefore, if two or three cases of excess occurred, that would not be very surprising. But did the learned lord, whose speech had been alluded to, justify torture to produce confession? No; the reverse arose out of the argument of that learned lord. What did lord Clare say on that occasion? A person of the name of Shaw was charged with making pikes for the rebels. He was a blacksmith—he was apprehended by loyalists—they put a rope around his neck, and they threatened to strangle him, with a view of making him declare where the pikes were. He was carried to Downpatrick; and there a colonel of a regiment, of his own authority, certainly without a court martial, ordered the man a certain punishment. Whether that was advisable or not, was a point to be considered hereafter; but there was certainly no torture in it; for it was a summary punishment, not inflicted to induce the man to confess, but to chastise him for a crime; at least that was the view in which it was inflicted. Lord Clare said, on that occasion, that during the American war the commanding officer had felt himself authorized to inflict punishment, even of death, without a court-martial; and he instanced the case of colonel Haynes, and another case, in which the punishment of death had been inflicted without a court martial; and lord Clare made a comparison between these two cases and that of this blacksmith. The learned lord admitted the fact, that an order was made in a summary manner to punish this man, but was that any thing like defending the practice of torture? Nothing like it; for the learned lord put it only by way of comparison with other cases: and so far was he from showing any disposition to support torture, that he lamented the very thing that had happened. The case had been much exaggerated; but, even with all its exaggeration, it did not amount to any countenance of torture by his majesty's ministers, nor did it support any charge whatever against lord Clare. Here lord Castlereagh proceeded to state his dislike of the system of corporal punishments altogether; and to say that nothing could justify them but the necessity of the case for which they were inflicted.

Mr. *J. C. Beresford* said, that the hearts of gentlemen might bleed for the people of Ireland, and lament the severities which had been exercised on them; but they could not feel more on this subject than those had done who saw and felt the necessity of these severities being inflicted; and did they know as well, and had they felt as much, the calamities and the sufferings to which the gentlemen of Ireland were subjected in the course of the rebellion, as he and many others, they would spare some of their compassion for the people on whom it was found necessary to inflict these severities, and bestow it upon those gentlemen whose lives had been threatened with assassination, and whose property had been plundered and destroyed. That torture had really been exercised in many cases; that punishments had been inflicted for the purpose of extorting confessions from those who were suspected of concealing arms, it would be unmanly in him to deny. Many country gentlemen, whose lives and property were threatened, had inflicted

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such severities, in order to discover the private deposits of arms, and thus to frustrate the designs which they knew to be harboured against them. This, however, was certainly not authorized by the government; but he would venture to assert, that, in such circumstances as these gentlemen were placed in, their conduct was perfectly justifiable.

Mr. *Hobhouse* said, he could conceive no stronger proof of the necesity of the clause than the speech of the hon. gentleman. He had openly confessed, that torture had been inflicted for the purpose of extorting confessions; and he had as openly asserted, that circumstances were such as to justify it. He (Mr. H.) would, on the other hand, assert, that no circumstances could justify a conduct, which was equally inconsistent with sound policy, common sense, and the feelings of justice and humanity.

The *Solicitor General* (Mr. Perceval) said, that upon the same principle on which it was alleged to be necessary to add this clause to the bill it would be necessary to add a similar clause to every act or bill empowering the infliction of a discretionary punishment; for the words "by death or otherwise," on which the clause, and the supposed necessity for it, were founded, could signify only, "by death, or any other lighter punishment than death," not any other punishment unknown to the law. As to the severities which had been exercised in some cases in Ireland, he lamented them as much as any man; but after hearing the statement of the circumstances in which alone they were exercised, gentlemen ought to pause before they passed any very harsh censure on those who were the authors of them. He did not pretend to justify them; but what a person deliberating coolly must condemn, was, he might, without incurring a very high degree of blame, when the dagger was almost at his breast when all that was dear to him was at stake, be led himself to do. What, therefore, in principle he could not justify, in feeling he could, in a great measure, excuse. At all events, it had never been hinted, that any such severities had been exercised since this act had been in force. The present clause he therefore conceived to be an unjust attempt to throw on the bill the odium of severities, exercised before it was in force, but which it had been effectual in putting an end to.

Mr. *Dawson* said, it was never imagined that the bill gave any power to inflict punishments, unknown to the law. He could not conceive how it could be tortured into giving authority to inflict torture. Conceiving the clause to be unnecessary in this point of view, he would not vote for it.

Mr. *M. A. Taylor* said, that whether or not the conduct of those who had perpetrated these cruelties could be palliated, that of those who coolly defended them certainly could not. Yet this had been done by a noble lord holding one of the highest offices under the crown. The behaviour of the judge was very different, who, when he was applied to set aside a verdict awarding damages to a man who had been tortured, said he should not have slept in his bed if he had not affirmed it.

The *Attorney General* said, that, in his opinion, all the debate which had taken place on this clause, was merely combating phantoms, and fighting with shadows. No person in the least acquainted with law could possibly interpret the expression "by death or otherwise," to signify that a power was given to inflict punishments unknown to the law, either to the civil, municipal, or military law. There was no such thing authorized by the bill as torture to extort confession.

Mr. *Grey* said, that upon the grounds on which this bill had been urged to be necessary, he could not see how this clause could be objected to. The bill was alleged to be necessary, because jurors could not be found to do their duty. How, then, could those who urged this necessity, and held out this plea for passing the bill, professing at the same time attachment to the common law, reconcile this principle with opposing a clause which went merely to confirm courts-martial sitting on the trial of civil offences, and sentencing to the punishments authorized by the common law? As to the sufferings of one class, and the severities inflicted on another, in the course of the rebellion, he wished that both could be buried in utter oblivion; but he confessed he had been not a little surprised at the justification of these severities by one gentleman, and the exculpation of them by another. He was shocked to think that such an idea could be for one moment entertained by the House.

The clause was negatived by 84 against 8. The bill then passed the committee.

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March 20. After a short debate, the bill was read a third time and passed; as was also the bill for Suspending the Habeas Corpus act in Ireland.

Debate on Mr. Grey's Motion for a Committee on the State of the Nation.] March 25. Mr. *Grey* rose and spoke nearly as follows:—I rise, Sir, in conformity to the notice that I have so often given, to move for a Committee of the whole House to take into consideration the State of the Nation. I am sensible that, in the present circumstances of this unhappy country, I impose upon myself a task arduous in the extreme. In submitting motions of this nature to the House, either when any great danger threatened us from without, or upon any alarming emergency at home, it has been usual to take a general view of our situation and our prospects. I therefore feel that it will be incumbent upon me, on this occasion, to call your attention to a great variety of important subjects; to consider the conduct of the war, our relations with foreign powers, the internal state of the country, and those other circumstances which at the present moment combine to make our situation so difficult, so dangerous, and so alarming. Wherever we turn ourselves, things wear a menacing aspect; we see nothing but danger and difficulty; and every part of our situation urgently presses upon us for discussion. The field is indeed wide, and I tremble to enter upon it. But I am animated by sentiments of public duty, and a firm conviction that it is only by an inquiry of this nature that the country can be saved. These animate my courage, and these I hope will supply my deficiencies. If ever inquiry was necessary, it is necessary now. If, in the best times of our constitution, when the principles of freedom and sound policy were well understood and uniformly acted upon, as often as the country was in perilous circumstances, parliament has instituted an investigation into the causes of our misfortunes, and the best means to remove them; will that investigation now be rejected? I know, Sir, that of late a different line of conduct has been pursued; and that during the present war, for the first time since the Revolution, inquiries have been uniformly opposed. Sir, I should be sorry to say any thing which might offend the members of this House; but I must observe, that the present is the first war in which no part of the conduct of government has been inquired into, or censured; and it will hardly be said that it is the only war in which no blunder has been committed. I do not decide upon the motives of hon. gentlemen; but I would have them to reflect, whether this supineness may not have contributed in a high degree to our present calamities. A new mode of argument, I know, has been adopted; and doubts are thrown out with regard to the propriety of such a motion. It is said, if you have any thing to allege against ministers, bring forward your charge by a distinct specific motion. If you are of opinion that any thing in our situation is particularly alarming, move that a committee may be formed for the express purpose of considering it. I think, Sir, I should say enough against this reasoning, when I say that it is completely at variance with the practice of the House; but I will add, that the practice thus censured is consonant to convenience, and that by following it we can best discharge our duty to the public. I have been told, that, by agreeing to such a motion, the House would express a doubt of the propriety of the measures of government. Such an argument, I am well assured, I shall not hear this night. If there is any one who will stand up and affirm that he is perfectly satisfied with the economy which ministers have exercised in the expenditure of the public money, with their vigour and foresight in carrying on the war, and with the prudence, firmness, and dignity, that they have displayed in their treatment of foreign powers; if there is any man, Sir, bold enough to assert, that he has no doubt of the propriety of their conduct, I consent to wave my motion, and to abstain from all the observations that I mean to make in support of it. There is another general objection to which I shall advert: it has not been unusual to urge it; and it may not improbably be urged on the present occasion. An appeal is made to the good sense of the House, and an eloquent panegyric is delivered on unanimity. Retrospects, it is said, are useless; let us not add to our difficulties by discord, but unite our efforts to consider the most effectual means to rescue the country from the dangers which surround it. This common-place advice has about it an air of generosity, but it is miserably deficient in true wisdom. In politics, as in morals, there is no way so sure to prevent the future commission of

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errors, as by exposing those which have been committed, and carrying home conviction and repentance to the minds of the authors of them. Without this process, reformation must be precarious, and a speedy relapse will prove that it was built on no solid foundation. At the present moment we must inquire, not only into the causes of our misfortunes, but we are bound to inquire into the prospect that we have of surmounting them. We are now, Sir, in the ninth year of a war against France, and we are threatened with a war against all the maritime states of Europe, if we are not actually involved in it. We have added two hundred and seventy million to the capital of our national debt, and above seventeen million to our annual taxes. We find ourselves opposed to France, extended in territory beyond the hopes of her most sanguine friends, astonishingly increased in population, with resources progressively improving, and supported by all the states of the North. We are opposed to her with diminished means, our strength exhausted, and stript of every ally. Is it not then incumbent, Sir, on the representatives of the people to enter upon a serious and solemn inquiry into the most likely means to restore us to security, tranquillity, and happiness? I myself, and several of my friends, have made motions with regard to the conduct of the war, the rejection of overtures for peace, the conduct of government to foreign powers, the economy in the expenditure of the public money, the internal state of this country, and the situation of the sister kingdom. All these subjects call loudly for discussion now, and I shall say a few words upon each of them in their order.

A right hon. gentleman opposite to me has often said, that he is anxious that the war should be severely scrutinized. Every part of it, when occasion offers, he will boldly defend year after year, month after month, week after week, nay, and hour after hour. That occasion has not hitherto offered itself; and whether it ever would, had he continued in office, I shall not take upon me to determine. But now the right hon. gentleman's sincerity is put to the proof. The opportunity he desired has arrived, and he will eagerly embrace it, if his protestations were not empty boasts. His conduct is blamed by the army, by the public, and by all the world; and it must be inferred, that it is blamed with justice, if he shall now shrink from the investigation of it. In detail to go through the various operations of the war, would now be impossible. When we go into the committee I shall bring them under consideration by substantive and distinct motions. At present I must confine myself to a few leading features. The right hon. gentleman asserts that this war has been eminently successful. Sir, I want to know the way in which success is to be estimated? The only justifiable object of war is to secure an honourable peace. Compare then the causes for which we at first entered into the war, with the causes for which we now carry it on, and say that it has been successful. The war has been most disastrous, not only in the general result, but in the particular operations of it. Sir, if this has been a successful war, was there ever a war unsuccessful? If victory has produced such deplorable effects, what would have been the consequences of defeat? It will be said, that we have effected important conquests. There were some who I believe went into the war upon principle, and I am sorry that they are now absent. I am certain that they would reject the idea of these conquests being any balance to the losses that the war was undertaken to prevent. In the narrow view, I am by no means disposed to attribute to them this supposed consequence. They served to extend, divide, and weaken our force. To attempt them was highly impolitic in ministers upon their own principles. Whatever force was sent to the East or West Indies, was taken from that which was to be employed against France, which was to root out Jacobinical principles, which was to prevent the aggrandizement of the regicide republic! It has been said, that America was conquered in Germany. Has France, then, done nothing towards the acquisition of colonial possessions? Her frontiers now extend to the Rhine, to the Alps, and to the ocean: she has reached a pitch of greatness which Louis 14th never aspired to in the maddest dreams of his ambition. All these possessions we have consented to abandon as the price of peace. Thus all our losses are irretrievable, and our triumphs empty. Ministers have readily offered to give up all their boasted acquisitions for peace—for peace, which they might have made with France confined within her ancient limits, while their country was prosperous and happy. An hon friend of mine lately

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said, and said with truth, that there was no shore from the Texel to the Adriatic which had not witnessed the defeat of our forces, and the disgrace of our arms. Recollect the unfortunate attempt upon Dunkirk, and the shameful retreat through Holland the ensuing year. Witness the evacuation of Toulon, the abandonment of Corsica, and the disgraceful expedition to Quiberon. But I shall confine myself to more recent operations. About four years ago it was found necessary to raise a defensive force of 100,000 men. Soon after, things took a new turn, and the confederacy against France was revived. Ministers then, untaught by experience, nor humbled by adversity, entered into all their former projects, and called out for a disposable force. Accordingly, the militia were reduced, and an immense army placed at their disposal. Their first exploit was the expedition to Holland; and one more impolitic in the design, or more disgraceful in the issue, never was attempted. Yet all inquiry into the failure of it was peremptorily refused. If this did not, what ever did demand inquiry? A British army, the greatest that ever left the country, supported by a strong auxiliary force, after many disasters, and one defeat, capitulated—gave a ransom for its safety to a general commanding an army inferior in numbers! I will not decide whether the failure was owing to the plan of the expedition, or the conduct of it; but one or other was faulty, and the committee was bound to declare which. When I said that this expedition was the most disgraceful in our history, I forgot those which succeeded it. The disposable force was augmented by the sacrifice of the remaining part of the supplementary militia, and it was confidently promised that an impression would instantly be made on France. What great exploit was performed? Was France overrun? Did we rescue from her yoke Belgium and the other countries that she had conquered from our allies? In December and January, when the first consul made overtures of peace, Opposition were told that the power of France was at the lowest ebb, and that nothing could save her but unconditional submission, but listening to her proposals. Her armies were ruined, her finances were deranged rebellion raged in her provinces, her inhabitants were incensed against each other, and agreed in nothing but abhorring the existing government: ourselves and our allies were in the most flourishing circumstances; and that our situation would become worse was quite impossible. When these overtures were haughtily rejected, I think, Sir, ministers should have kept their promise; yet not an attempt was made till the French armies had penetrated into the heart of Germany, and the fate of the House of Austria was decided in the battle of Marengo. Soon after that, sir Ralph Abercrombie arrived off Genoa, and found it in possession of our enemies. Spain next became the object of our enterprises, and an attempt was made against Ferrol. Our failure there was lately under debate; and I must say, notwithstanding the speech of the hon. general, that it still seems to me to have been highly disgraceful to the British arms, and detrimental to the interests of the British nation. Of our attack upon Cadiz, I scarcely know in what terms to speak. To show that they do not deserve the heaviest blame, ministers must prove that they were not informed of the disorder which raged in that city in time to countermand the expedition. Feeling as a man, and as an Englishman, I must say, that I wish the correspondence between our commander and the Spanish governor had never been laid before the public. Some steps ought to be taken without delay to efface the impression which this publication must have made to our disadvantage. By submitting tamely to the reproaches which are cast upon us, we acknowledge their truth. These two expeditions have been called reconnoitring parties; but as things stand at present, they must be believed by all to have brought infinite disgrace and dishonour upon the country from which they were sent. This army is now employed against Egypt. What may be the result of the attempt I do not pretend to predict. I hope it may be successful; but when I consider the obstacles to be surmounted, I confess I am not very sanguine. Here then are fresh proofs of the want of vigour, of indecision, and delay of ministers. The armament at last sailed from Gibraltar on the 3rd of December: and down to the end of January, to which the latest accounts came, sir Ralph Abercrombie had not found himself in a situation to attempt a debarkation.

I have not entered so much into detail as I could wish; but, to establish my point, unfortunately it is not necessary that I should. What can ministers urge

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in their defence? They had not money! Their most extravagant demands were cheerfully complied with. They had not a sufficient number of troops! It appears by the last returns from the War Office that we have 168,000 rank and file; and I will venture to affirm, that in the days of our greatest glory, when by our victories we received some compensation for the sacrifices which we made, when we extorted the admiration of Europe by our behaviour at Minden, and humbled the house of Bourbon by our victories at Quebec, our effective force was not so great by one-half. Shall I then be told that the enemy was far superior? If I had hinted this last year, the idea would have been treated with contempt and indignation. Vigour and enterprise will always have the advantage. Grant what you will to imbecility, ignorance, and indecision, and you never grant enough. While that mighty genius in France, trusting to the resources of his own mind, restored life and energy to the government over which he presided, led on his armies to victory, and laid his enemies at his mercy; our ministers, possessed of every thing, idle, supine, and wavering, suffered the season for action to elapse; and, when they did send out expeditions, sent them to excite the ridicule and contempt of our enemies. Such things, I maintain, Sir, cannot have happened without mismanagement and incapacity. I should be sorry for my country if they could.

If the conduct of the war has been impolitic, the impolicy of rejecting the overtures which have been made for negotiation is still more apparent. I shall not return to the early periods of the war, when ministers held a lofty and menacing tone; though gentlemen would do well to compare their language to M. Chauvelin with what they have held at subsequent periods. I desire those who say that there is no doubt of the propriety of the conduct of government, to compare their haughty dismissal of M. Chauvelin with their mean solicitation to M. Otto: that, and various other opportunities of treating with France, while she was confined within her ancient limits, occurred, and were neglected. When the confederacy began to meet with adversity, when ministers might have learned from experience the folly of their designs, when they might have known the impossibility of subjugating an armed nation struggling for liberty, when they might have been certain that no faith was to be placed in our allies, another opportunity occurred, which was rejected with equal disdain. But I shall confine myself to the offer made by France in the beginning of the last year; were I to mention former occasions, I might be told that there was a plea in bar to my proposal for inquiry, as the conduct of government had been sanctioned by parliament. But many who last year voted for the address, approving of the insolent rejection of the overtures of Buonaparté—a vote which I sincerely believe they have since bitterly repented—I recollect well, I observed that they voted on confidence; that they were by no means pledged to support this step in the sequel; and that if, upon inquiry, it should turn out to be impolitic, they would certainly condemn it. I therefore look with confidence to their support. I maintain, Sir, that the case was not fully laid before them. The solidity of the confederacy was then largely dwelt upon by the minister, and urged as a complete justification of our persisting in the contest. I call upon the right hon. gentleman to account for his assertions. Did he then actually believe that there was a firm and cordial union among all the confederates? Had he no fears of the emperor Paul? Had he no suspicion of the maritime confederacy which has since become so formidable? The right hon. gentleman seems to deny that he had. To prove his sincerity, he can only plead a want of prudence, vigor, and capacity. When the Russian troops had been defeated in Italy, in Switzerland, and in Holland, and calculating upon the personal character of the sovereign, which has since been so much dwelt upon, but which was then equally well known, could it not be suspected that we should incur the ill will of our northern ally? But had not steps actually been publicly taken? Had not the Swedish government asserted the right to send ships under convoy free from search? When we resisted the claim, did they renounce it? On the contrary, had they not condemned the captain, and led him out to execution? If government was guilty in rejecting the overtures of the enemy in January, how much deeper is their guilt in afterwards still obstinately refusing to listen to negotiation? Though I think France had a right to insist upon a naval armistice before she would admit us to a

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joint negotiation, still I think ministers acted wisely in rejecting it. But I can go no farther. Here I must stop in my commendations. Why was the offer for a separate negotiation rejected? If on no other account, we ought to go into an inquiry to hear what reasons ministers can assign for their conduct. They say, good faith prevented them. I deny that any pledge to the Emperor prevented an immediate negotiation. If any had existed, it ceased to exist after the convention at Marengo, and still more after that in Germany which succeeded it. Besides, it is incumbent upon ministers to prove that the Emperor called upon us to perform this stipulation. I ask if he ever showed any anxiety lest we should desert him, or once complained or remonstrated? On the contrary, is it not notorious to all the world, that he was pacifically inclined, and that our government stirred him up to revenge and to blood? Is it not notorious, that to the British ministers he owes all the misfortunes which befel him subsequent to the recommencement of hostilities, the disgrace of his arms, the loss of his dominions, and the ruin of his house? I call upon the right hon. gentleman to declare upon what grounds as a "spectator" he gave this advice. Can he plead accident, as he did (with what justice I shall not stop to inquire) with regard to the battle of Marengo? Throughout an immense line, from the Rhine to the Danube, from the Danube to the Adriatic, there was nothing but discomfiture and dismay. I know how far it is improper always to judge by events; but where, on an immense scale of operations, every thing miscarries, I must conclude that there never was much chance of success. I would inquire, Sir, into this subject, not only to censure the old ministers, but to read a lesson to the new. I am told that they are desirous of peace. I hope, Sir, the report is true; but I cannot forget that they have uniformly supported their predecessors, and that they all applauded the sentiments of the right hon. gentleman, who thanked Heaven for the failure of the negotiation at Lisle. Therefore this conduct should be investigated for the sake of example, to satisfy the public, and to remove all doubt from the minds of our enemies.

The next subject to which I would beg your attention is, our situation with regard to foreign powers. What are the causes which at the end of a long war have stirred up a formidable confederacy against us? This sudden change is almost without a parallel, and the consequences of it no man can foresee. Again, contrast your situation now with what it was when you rejected the overtures of Buonaparté. One principal argument used by a right hon. secretary on that occasion, was a long list of the powers with which France was at war. I confess such an argument is not without weight; but how deep an impression must it make when these enemies were all lately your allies, when they were all lately combined against France, and now join France in a confederacy against you! I formerly went pretty much at large into this subject, and my conduct upon that occasion, I am told, excited surprise. I can only say, that I wished to recommend moderation and temperance. I wished that we should not rashly come to any decision, but try first what could be done by forbearance and conciliation. I wish, in short, to recommend to your example the wise conduct of the British government in 1780. But though I expressed no opinion then, I had one; and the more I reflect upon it, the more firmly I am convinced that it is well founded. The subject I shall enter into fully in the committee. I would now ask, are we not bound to inquire into the circumstances from which this confederacy has arisen? Here I am not ashamed to repeat a sentiment that I have expressed before—"All true and sound policy must be founded on justice." There is nothing new in it, I confess; but still it is valuable. Has then our conduct to the northern powers been guided by justice? I know that charges in official notes have been brought against us by the Swedes and other neutral nations. They have complained that their trade was molested; that their ships were detained; that justice was refused them in our courts, or at least so long delayed that it was useless. The charge is a serious one, and, whether true or false, deserves to be minutely investigated. We may thus have provoked the neutrals to assert their dormant claims, and produced a rupture which may prove so calamitous. Into the matter of right, so far as it depends upon the public law of Europe, I shall not at present enter; but content myself with observing, that the more these questions are considered, they will be found to be the more intricate, perplexed, and contradictory, and that

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they generally are decided by force, the *ultima ratio regum*. Besides, an unprofitable right is not, in my opinion, worth discussing. The subject is purposely involved in such confusion, that it is not easy to give a perspicuous view of it. It is said that you would give the enemy unlimited means to equip their navy. There are two questions most distinct, which yet are always confounded together—that with regard to contraband, and that which respects free bottoms making free goods. With contraband we have at present nothing to do. In the Convention of 1780, and the present, there is an article which expressly excepts contraband. Whether naval stores are to be considered as contraband, it is not easy perhaps to determine; but fortunately we are released from all perplexity, because there is a reference to their particular treaties with us, and by these they say they will be bound. By several treaties formed with the northern powers about the middle of the last century, the power of sending naval stores to belligerent nations is expressly conceded to them; Denmark is an exception, probably because Denmark had no naval stores to send. Holland had the power, and exercised it; and if she possessed the power, it was of little conquence to whom it was denied, as she then carried the commodities of almost every nation in Europe. There is nothing in the convention with regard to supplying blockaded places that can give us any offence. There are even limitations in this respect of the convention of 1780, and their definition of a blockaded place is unexceptionable. They next claim a right to trade from port to port with the enemy, which we imagine will not be disputed with them. The only two points to be discussed, therefore, are, Whether free bottoms make free goods? and whether neutrals have a right to send merchant vessels under convoy without being liable to search? Of whatever value the maxim of free bottoms making free goods may be to the northern powers, it does not give them any fresh powers to supply our enemies with naval stores. Therefore a great many popular and captivating arguments against it fall to the ground. It would only enable France, if she has any goods for the foreign market, to get them exported. It would not even in any degree increase her navigation. I should think that *primâ facie* the principle would be most favourable to that power which has most foreign commerce. The trade of France we have long heard is completely annihilated, and her manufactures are ruined. What advantage then can she, at the present moment, derive from the principle, or of what detriment can it be to us? Surveying the other side of the question, see what she gets by your denying the principle. France is joined by all the powers of the north, and you are disabled by the ruin of your commerce. Besides, should we be no gainers? When we are shut out of every port on the continent, would it be no advantage to be able to have our manufactures and colonial produce carried securely by the Americans? By that very principle, while you add nothing to the commerce of the enemy, you carry on your own with facility, which is now liable to the greatest interruptions. I am likewise told, that neutral vessels frequently trade directly between this country and France, and that they carry from England, not only goods to supply France, but likewise some of the surrounding nations. In case of a northern war, this commerce must be very much increased, and France will become a depôt for the rest of the continent; thus you give her trade in the one case, whereas in the other she would have none. Admitting the value of the right, gentlemen should seriously consider whether it ought to be put in competition with the support which France will receive in every war from the assistance of all the north of Europe. This now is the second time that, at the end of a war, the northern nations have confederated against us; and they will continue to do so in similar circumstances, as long as men are governed by interest. Suppose you succeed in establishing your rights, how are you to secure them? Can they be irrevocably confirmed by a piece of parchment, or attached to a fortified place? Injury will quicken their sense of interest, and they will be spurred on, not only by a love of gain, but a spirit of revenge. From the present conduct of Denmark you may form a pretty fair estimate of the value of forced concessions. It has been said by an hon. gentleman, "You might as well burn all your ships, and discharge all your sailors." Had not this sentiment come from a person of very great authority, I should have treated it as absurd. By the treaty of 1674, the point was conceded to Holland, and by various treaties during the course of the

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last century, to France, to Spain, and to the Porte. Yet during that period our navy was created, and gained the most splendid triumphs. Would, Sir, we could revert to those days of power, plenty, and happiness! The English name had then reached a pitch of glory beyond which the most sanguine cannot hope to raise it. I call upon those who have any doubt with regard to the value of the right, to think seriously of the policy of enforcing it at the present moment. After eight such years of war, ought not every new subject of dispute to be avoided with care? Why have we not followed the wise example set us in 1780? Against lord North, his bitterest enemy never urged his conduct at that period; and though we had waved our claims, never was the maritime superiority of England so decided as during the present war.

Authority is certainly against us in the right of searching merchant vessels under convoy of a ship of war. In 1672, it was expressly given up. The reason of the thing is against us not less. Can it be expected, that an independent state, such as Denmark and Sweden, should allow its fleets to be searched by an English frigate, or custom-house yacht? Did we ourselves never assert this right which we now so stoutly deny? We have often been in the relation of a neutral towards Spain, who, from religious motives, never makes peace with the states of Barbary. Yet we have often sent contraband in ships of war to Algiers, and how should we have acted had a Spanish frigate insisted upon examining them? I once put the question to the captain of a man of war, "Blown her out of the water, to be sure!" said he. The right of search, under proper regulations, is not disputed; and is the presence of a ship of war not as good a guarantee as the papers which are reckoned sufficient? The right hon. gentleman stated, that this claim was not only against the law of nations, but contrary to an express treaty entered into by Russia in 1793. Any one, however, who, considers the terms of the treaty, and reads the declaration of the empress to the court of Sweden, must be convinced that this is a gross misrepresentation. When the House has been thus misled, an inquiry becomes doubly necessary.

If the right is of great value, one would think it of high importance that it should be uniformly exercised, and that we ought to chastise every nation that calls it in question, Prussia not less than Denmark and Sweden. Was the conduct of Prussia, I ask, Sir, one whit less offensive? Upon a Prussian ship carrying contraband to the enemy being seized, violent complaints were made, and Cuxhaven and Ritzbuttle were seized by the Prussian troops. Did we declare war against Prussia? Did we seize all the vessels belonging to that power in our ports? No; we meanly manœuvred with the senate of Hamburgh; and the ship being restored, lord Carysfort said it was no longer necessary to occupy Cuxhaven. "It is," said the Prussians; "for you once violated our rights, and you may again." But, Sir, was not Prussia actually a party to the convention? I maintain we have exactly the same evidence to believe so, as to believe that it was signed by Denmark and Sweden. Our conduct to the king of Prussia reminds me of a story I have heard of a noble lord, who, taking offence at a gentleman in company, applied his cane very liberally to the gentleman's back. The gentleman submitted to the chastisement with great philosophy; but, being a few days after at a coffee-house, without much provocation he kicked a fellow to the door. The noble lord heard of the affair, and asked his old friend to explain it. Said he, "You and I, my lord, know whom we kick!" From Denmark and Sweden we have not very much to fear. The king of Prussia might shut up the port of Hamburgh, and seize the electorate of Hanover (or perhaps has actually seized it).

I come now to speak of the internal state of the country: 270 millions have been added to our national debt, exclusive of imperial and other loans, and of the reduction effected by the sinking fund; and yet we are told by the ex-ministers that they leave the country in a flourishing situation. I ask any man, whether, from diminished comforts, or from positive distress, he does not feel this declaration an insult. Ask the ruined manufactures of Yorkshire, Manchester and Birmingham; ask the starving inhabitants of London and Westminster. In some parts of Yorkshire, formerly the most flourishing, it appears from an authentic paper, which I hold in my hand, that the poor-rates have increased from 522*l.* to 6,000*l.* a year; though the whole rack-rent of the parish does not exceed 5,600*l.* In Birmingham, I know, from undoubted

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authority, there are near 11,000 who receive parochial relief, though the whole number of the inhabitants cannot exceed 80,000—and this of a town reckoned one of the most prosperous in England. These are circumstances into which you will do well to inquire. It is said, that though one half of our property is gone, it is well sacrificed, as it has saved the remainder. Sir, I deny the assertion. One half of our property is gone, but the remainder is in greater danger than before. And how long it may remain with its owners, it is impossible to say. Jacobinism has been confirmed beyond the terrors of the most apprehensive, if it is true that Buonaparté is its child and its champion. If our danger arose from French aggrandizement, how dreadful must it be now! Has the constitution been preserved? The power of the crown has been increased, but the British constitution has suffered in proportion. This must have been the case merely from the immense increase of our debt and taxes; and it was well said by a noble friend of mine, that in a country where such a revenue is collected by the crown, the people cannot enjoy political freedom. That the influence of the crown is great and alarming, you may find proofs without going to any very great distance. The direct increase has likewise been immense. The addition to offices has been far beyond the reduction effected by Mr. Burke. Laws have been passed which have made ministers completely absolute; and they have annihilated the freedom of the press, that last and only guardian of the constitution. They pretend an aversion to innovation, but have themselves been the greatest innovators. — The effects which the Union will produce, it is at present impossible to calculate; but that they will be important, there cannot be a doubt entertained. A change not less considerable has taken place in the other House of Parliament. During the administration of the late minister, eighty new peers have been added to it; and I am ashamed to say, that, of the hereditary peers, those who do not hold offices are a minority in the House. The right hon. gentleman, I will affirm, has acted on Jacobin principles. He has destroyed our privileges, he puts our property in requisition, imprisons our persons, and tries our fellow-subjects by a military tribunal.

The situation of the sister kingdom is alarming in the extreme, and more than any thing else calls aloud for inquiry; for these four years past, ever since the recall of earl Fitzwilliam, Ireland has been the scene of transactions the most shocking to humanity. Is it now in a state of tranquillity? A few days ago a bill passed this House, which we were told was absolutely necessary for its safety. Though rebellion had been put down in the field, it was said, like the assassin, it still lurked in secret. The mass of the population was disaffected, and nothing prevented the separation of Ireland from this country, but the inability of France to send a force to the help of the rebels. *Prima facie*, wherever a government complains of constant plots and conspiracies, that government is bad. Whatever any libeller may assert, I cannot persuade myself that there is any innate depravity in the Irish nation. I must believe that, if they were well governed, they would be sober, industrious, and orderly. I appeal to those gentlemen who supported this oppressive system on confidence, whether, after a four years experience of its effects, they will continue to support it still. Will they not insist upon inquiry, when that measure is rejected which was declared by marquis Cornwallis to be the only thing which can save Ireland from being deluged with blood—when an administration go out because they cannot carry this measure, and another comes in rootedly hostile to it? This change is of itself a sufficient ground of inquiry. The deepest mystery hangs over it. If the ministers who have now retired from his majesty's councils had it in contemplation at that time to retire on the grounds which they now hold forth, I should like to know, Sir, why they were never disclosed in the slightest degree, when the session of parliament commenced? These things, I contend, they are bound to explain to the House. I am far, indeed, from saying, that inability to bring forward a measure, supposed to be connected with the best interests of the empire, would not be a justifiable cause of retiring from the direction of public affairs. On the contrary, I allow that this would be a fair and justifiable ground of resigning any office which involved a degree of responsibility particularly connected with such a measure. But, Sir, I read with astonishment, in a most extraordinary publication, that these very men, who, from their inability to bring forward

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the measure, have chosen to retire from responsible situations, should at the same time give assurances of their wish to bring forward this measure, while they said that at present they find innumerable obstacles to its success. If the right hon. gentleman (Mr. Pitt), whose name is attached to this publication, chooses to deny its authenticity, then indeed my conclusion may be affected; but unless he does this, I have a right to hold that it is the real production of those whose name it bears. On the supposition, then, that it is authentic, I should wish to know what the obstacles are which now exist to the bringing forward of this measure. They must either, Sir, have originated from the decision of a majority of the cabinet, or from the immediate influence of the crown. That they were not founded in the opposition of a majority of the cabinet, is sufficiently apparent from the slightest attention to the number of whom that cabinet was composed. The point then resolves itself into this, that the measure to be proposed was personally objectionable to the sovereign. This, Sir, is a delicate subject, on which I am extremely unwilling to enlarge on the present occasion. I can assure the House, that I am at all times unwilling to introduce the name of the sovereign into a debate, and that it is not now introduced for any unparliamentary reason. If any bad effects should now result from it, to his majesty's late ministers, and not to me, it is to be imputed. I do not deny, Sir, that, on such a supposition as this which I have now stated, it was perfectly justifiable for ministers to retire from their situations; but this I will say, that their minds ought to have been impressed with the strongest conviction of the necessity of the measure, before they endeavoured to force it on the acceptance of a sovereign whose pure mind might have been influenced by scruples concerning its propriety. If this was the duty of any ministers, much more was it the duty of those who during a long administration owed every thing to a sovereign's generosity, and who ought to have been attached to him by every tie of obligation, by every feeling of gratitude. What then were the reasons which now convinced them of the necessity and propriety of bringing forward the measure? It has been said, Sir, that ministers were engaged to the Catholics to bring forward the measure, and that their support to the Union was secured by the prospect of emancipation. Is this engagement really founded in fact? If so, it is one of the greatest crimes of which any ministers ever stood convicted. But, Sir, I will ask, if they ever entered into any such engagements, had they authority from the crown that they would be finally ratified? I do not believe they ever had any such authority to contract these engagements. I cannot for a moment suppose that, if any such authority had been given, the benevolent nature of his majesty would afterwards have refused its ratification. Much less, Sir, can I suppose this to be the case, when it was a measure of beneficence, a measure calculated for the comfort and happiness of a great proportion of his people. I cannot help considering it, therefore, as an act of the greatest criminality, to place the opinion of his majesty thus as it were in direct opposition to the wishes of his ministers, or the welfare of his subjects. I wish further to ask the noble lord who had so principal a share in the manœuvres by which the Union was accomplished, if this engagement was made with the Catholics, whether lord Clare was acquainted with the agreement? No man dissents more than I do from the principles of lord Clare, and what is called the High Protestant party in Ireland; but still, Sir, I will maintain, that, in a measure of a general nature like this, in which all parties were so materially concerned, they were entitled at least to the observance of good faith. If such an engagement as this was entered into without their knowledge and concurrence, this was an act of criminality not much inferior to that by which they agreed to it without the consent of the crown.

Having thus considered the conduct of the war—the manner in which the several past negotiations have been concluded—our relation with foreign powers—the internal situation of the country—the state of the sister kingdom, the situation of which may, from circumstances to which I have adverted, become soon a more serious subject of consideration, and pointed them out severally as subjects of inquiry, I have now little further to urge to the House. Before I sit down, however, I think it necessary to make a few observations on the subject of the new administration:—We have been called upon, Sir, not to prejudge their merits, but, before we pretend to form a decisive opinion, wait for the

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exhibition till their actions shall disclose their principles and their conduct. I would ask, however, what would be the conduct of an individual if he were looking out for a person to take on him the direction of his private affairs? Would he take for this purpose a person of whom he had no knowledge? or would he not rather say, you may be a person fully qualified for the situation which you offer yourself to fill; but at present my estate is embarrassed, and it is necessary that I should be served by a person of tried abilities and unquestionable knowledge, the result of experience. On this principle, the new ministers are hitherto entitled to no support from their talents, to no confidence from their knowledge, to no attachment from their experience. But, Sir, is there no experience which we have already had, by which we may be enabled to judge of the characters of those ministers now entering on the administration of public affairs? The part they have previously taken in public life, I should conceive to be a pretty fair means of judging of their abilities and character. Most of them, Sir, have been known in this way to the House. Many of them have been in subordinate situations under those ministers who have retired from official stations, and the rest have been known for the support of their measures. Allowing all that is fairly due to want of practice in the particular situations which they are now to fill, I do not think they are such ministers as the country requires under its present perilous circumstances. We are told, Sir, not to prejudge their principles; but has it not been already declared that their principles and system are similar to those of their predecessors? Is it conceived then that these principles and this system will be carried on with still fuller effect than under the former administration? If I were to ask any of those who supported the old ministers, whether they supposed that this would be the case? I do not believe that a single member in the House would be bold enough to make such an assertion. What then is it that we are to look for under their measures? Is it the prosecution of the war with the same malignant spirit, or the rejection of all offers of negotiation with the same insolence as distinguished those whom they have succeeded? We have already seen that they fully approved of the conduct of the war, so pregnant with disasters; that the rejection of the several negotiations entered into met with their warm concurrence; that they applauded the sentiments of joy which the late ministers expressed at the failure of such negotiations. We cannot, then, feel much confidence from the principles of their administration. If there be, indeed, any difference in their principles—if there is any improvement in their views, this night will give them the means of discovering them to the House. They know that the former ministers were accused of abusing their influence in the House, for the most dangerous purpose—for avoiding accusation, and stifling inquiry. If they then are to act on other principles, let them come forward to give their support to the present motion, whose object is, to ascertain the real state of the nation. Here, Sir, I shall leave the subject in the hands of the House, conjuring them to give it all that consideration which its extreme importance demands. If they are persuaded, by the representations of gentlemen on the other side, that the country is in a state of prosperity: if they are satisfied that the war has been successful; if they are convinced that the system pursued by the old ministers has been beneficial, and that the new ones professing to act on the same principles, are entitled to confidence, they will of consequence feel it their duty to accede to the present motion. But if, on the contrary, they think that the war has been impolitic in its conduct and disastrous in its consequences—that the country, instead of being in a state of prosperity, is now labouring under the extremity of distress—that the system pursued by the old ministers, and to be adopted by the new, is subversive of all that is venerable in the British constitution, they will this night renounce a system of blind confidence, and accede to a motion whose object is constitutional inquiry; viz. "That this House will resolve itself into a committee of the whole House to take into consideration the State of the Nation."

Mr. *Dundas* rose, and said—Sir; the hon. gentleman who has just sat down, has supported his motion by urging the necessity of enquiry into the following particulars:—1st. The inefficient and disastrous manner in which the present war has been conducted. 2dly. The improper rejection of negotiations for peace at the various times it has been in our power to negotiate, and particularly at the end of the campaign of 1799, when a direct offer

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was made by the first consul of France; and again, at the period of a negotiation respecting an armistice, when it was in our power at the end of that negotiation, to have treated for a separate peace with France. 3dly. The unwarrantable conduct of the late government with regard to the northern powers, which has been productive of so formidable a confederacy against us. 4thly. The internal state of the country with regard to its failing resources, and its increasing distresses, manifested by the increase of poor-rates, and other unequivocal circumstances. 5thly. The increased influence of the crown, not only from the increased taxation which the war has produced, but from the direct addition of power, by which the authority of the crown has been augmented, and the liberty of the subject encroached upon. 6thly. The state of Ireland, particularly as connected with the Catholics in that country; and, Lastly, The mysterious and unaccountable circumstances which have attended the resignation of the late, and the appointment of a new administration.

Although the hon. member has stated these various points in a general and cursory manner, it is obvious that to examine each of them separately and minutely would require a length of time altogether incompatible with the attention I have any right to expect from the indulgence of the House. This great variety of subjects forms of itself an insuperable objection to the motion, because it is perfectly in the power of the hon. gentleman, or any other member of the House to bring forward each of those points as distinct, separate propositions, in which form there would be room to examine how justly ground had been laid for referring the subject to a committee of inquiry; but by proposing a general and indiscriminate inquiry, upon a variety of points so totally disconnected, the hon. gentleman has reduced us to the necessity of either rejecting his motion altogether, or of agreeing to it, without any fair opportunity of accurately examining the propriety of such acquiescence. Having been so fortunate, Mr. Speaker, as to attract your attention, I am anxious to avail myself of it at the present moment, because I am apprehensive that the heat of a crowded House will disable me from attending to the late hour to which this debate may be protracted; and although I cannot hope for sufficient strength to go over all the points brought forward by the hon. gentleman, I flatter myself at least in securing the indulgent attention of the House to what I shall observe upon the first head on which he thinks inquiry necessary, and in the decision of which my own character is so particularly implicated. If I should appear less anxious respecting the other topics, on which he has grounded his motion, it is because there are, as I well know, other gentlemen, of more extensive talents and eloquence, perfectly ready to follow me in the examination of each of them with ability and precision.

Before we can form a judgment respecting the conduct of this war, it is necessary, in the first place, to decide what are the principles by which Great Britain ought to be governed when engaged in hostilities; secondly, how far these principles have been adhered to in the conduct of this war; and thirdly, what has been the result of the war so conducted, compared with any other period of war in the annals of our history. Upon the first of these heads I must observe, that, from our insular situation, from our limited population not admitting of extensive continental operations, and from our importance depending in so material a degree upon the extent of our commerce and navigation, it is obvious, that, be the causes of the war what they may, the primary object of attention ought to be, by what means we can most effectually increase those resources on which depend our naval superiority, and at the same time diminish or appropriate to ourselves those which might otherwise enable the enemy to contend with us in this respect. Navigation and commerce are inseparably connected, and that nation must be the most powerful maritime state which possesses the most extensive commerce. I need scarcely observe, that it follows as a necessary corollary from these premises, that, if possible, we ought, as early as we can at the commencement of a war, to cut off the commercial resources of our enemies, as by so doing we infallibly weaken or destroy their naval resources. I need not attempt to prove in this House what must be obvious to all, that upon the possession of distant and colonial commerce the extent of our trade must in a great degree depend. It is therefore as much the duty of those entrusted with the conduct of a British war to cut off the colonial resources of the

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enemy, as it would be that of the general of a great army to destroy or intercept the magazines of his opponent. So much do I consider offensive operations against the colonial possessions of our enemies as the first object to be attended to in almost every war in which Great Britain can be engaged, that I have no hesitation in laying it down as a fundamental maxim in the policy of this country, that, at the breaking out of hostilities, exertions of that nature ought to admit of no limitation, except what may arise from the necessary reserve of force to be kept at home for the security of the united kingdom of Great Britain and Ireland. This, although the most obvious, is not the only reason which should induce the councils of Great Britain to seize upon the foreign possessions of its enemies. It becomes a necessary consequence of every war, in which this country can be involved, but particularly if an extensive continental war should prevail at the same time, that our manufacturers must be deprived of many of their accustomed markets; and the effect of seizing upon the distant and colonial possessions of the enemy, is to provide new and beneficial markets, as a substitute for those in which there is a temporary interruption. I take it to be impossible to controvert any one of the propositions I have stated; and the next point therefore to be considered is, whether these maxims have been attended to in the conduct of the present war, premising that the whole force of the country disposable at that time amounted to no more than about 20,000 infantry in both Great Britain and Ireland. Hostilities commenced in February 1793, and in that year the islands of Tobago, St. Pierre and Miquelon, with the exclusive right and occupation of the fisheries on the coast of Newfoundland, the settlement of Pondicherry, and part of the island of St. Domingo, were taken possession of, and the fleet at Toulon was either seized upon or destroyed. In 1794, the French islands of Martinique, Guadaloupe, St. Lucie, the Saints Mariegalante and Desiada, were taken between the first of February and the end of April. Corsica was also attacked and taken in the course of this year. In 1795, Malacca, Trincomale, (the surrender of which was soon followed by the remainder of the Island of Ceylon) and the Cape of Good Hope, submitted to his majesty's arms. In 1796, the Dutch possessions of Amboyna and Banda, with all their dependencies in the East, and those of Demerary, Essequibo and Berbice, in the West Indies, were also taken possession of. In 1797, the French establishment on the island of Madagascar was destroyed, Trinadada was conquered, and four ships of the line that were laying there were taken or destroyed. In 1798, Minorca was taken by sir C. Stuart. In 1799, the colony of Surinam surrendered to general Trigge and lord Hugh Seymour. And in the course of the last year, Goree on the coast of Africa, Curaçoa in the West Indies, and the island of Malta, were added to our acquisitions. It may now be proper to take notice of those circumstances of total or partial failure in the course of the last fifteen months, upon which gentlemen have thought themselves warranted to arraign the whole conduct of the war, to contend that nothing but disgrace and disaster have attended his majesty's arms, and that these consequences are imputable to the mismanagement of his majesty's late ministers, who were undeserving of the confidence of their country. In this view I imagine I do full justice to the arguments of my opponents, when I refer to the expeditions to Holland, Ferrol, and Cadiz, as the transactions to which those invectives are meant to apply; and I must here, in the first place, complain of the total want of candour in those who, whilst they complacently dwell upon some partial failures, choose so completely to overlook the whole train of success which has attended the various other operations of his majesty's forces. I do not, however, much complain; for I own I did not expect candour on their part, and I am not disappointed in finding the want of it. I do, however, confidently expect justice. I appeal to the House for the exercise of it, and I am not afraid that my appeal will be made in vain. As to the expedition to Holland, it was the subject of a long discussion in this House, and if I am not too partial to the statements then made, I flatter myself the House was satisfied that it was neither attended with any disgrace, nor with such disaster as in any respect to outweigh in the balance the advantages which were derived from it. The objects of that expedition were threefold. 1st, To create a diversion in favour of the arms of our allies. 2dly, To aid, by our co-operation, our ancient allies in the united provinces, in rescuing themselves from the yoke of France, which

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there was much ground to suppose they were anxious to attempt. Lastly, If we should not be able to render them beneficial allies, it was our duty to annihilate the means they had of being instruments subservient to the hostile views of France. If the elements had not thwarted our expedition, in a manner altogether unparalleled at the season of the year when it was undertaken, there is no rational ground to doubt that we should have succeeded in every one of those objects. If, instead of landing on the 27th day of August, sir Ralph Abercrombie had disembarked on the 16th of that month, as we had naturally just ground to hope, there is every reason to believe that he must have been in possession of Amsterdam long before any effectual resistance could have been brought against him; but notwithstanding all the untoward and unforeseen disappointments and disasters which befel him, and the troops which afterwards followed him, we succeeded in creating a most powerful diversion in favour of the allied armies in Switzerland and in Piedmont; and we took from Holland the whole efficient naval force of that country, amounting to ten ships of the line, thirteen frigates, one sloop of war, and some smaller vessels, which, if not so taken away, would at this moment have been forming a part of that northern confederacy, against which we are now called upon to contend, in support of the ancient and most essential maritime rights of this country. The principal naval arsenals of that power were also destroyed in the course of that expedition.

With respect to the expedition against Ferrol, it is necessary to remind the House of some of the circumstances which occurred immediately previous to that expedition. The object of his majesty's councils at the early period of the last campaign, was to assist his allies upon the continent by such seasonable and well concerted co-operation or diversion as might distract the forces of the enemy, and oblige them to have kept a large proportion of their armies upon their own coasts, in order to guard against the effect of such conjunct naval and military expeditions as might be directed against them with that view. This naturally led to a proposed division of our force, part of it to act from Minorca in the Mediterranean, and part of it to act from Belle-Isle, if we should be so fortunate as to capture that island at an early period of the season. I need not remind the House that the battle of Marengo, and the fatal consequences that followed that most melancholy and disastrous event, and which led to the first armistice on the continent, deranged the whole of this plan, and a scene immediately presented itself, new in two very material respects. First, Portugal was under the greatest apprehension of a serious attack from Spain, at the instigation of France, and called loudly for the protecting aid of Great Britain, its old and faithful ally. Secondly, we began about that period to perceive the first dawning of that confederacy in the North, which has since assumed so serious an aspect. Under these circumstances, it is obvious, that whatever appropriation of our force we might then have had in view for a later season of the year, it was essential, as early as possible, to undertake such operations as might have effect in two respects. In the first place, if Spain could be alarmed and distracted upon its own coasts, it was the best defence for Portugal against any attempt from that quarter. In the next place, if the success of any expedition undertaken for this purpose should go still further, and put into our possession the Spanish fleets, both at Ferrol and Cadiz, or at either of these ports, such an advantage would have been the most effectual blow against the maritime power of the confederacy with which we were threatened.

Hence the plan of the armament prepared against the harbours and arsenals of Ferrol and Cadiz. And if such a plan could have been executed without much risk, and without too great a sacrifice in the attempt, I am ready to contend against any man, that it was a measure which did not merit any of the imputations of folly, weakness or imbecility, with which it has been arraigned by the puerility and ignorance of those who have amused themselves in declaiming upon this subject. With regard to the information and suggestions upon which we proceeded, the mode of carrying into execution those suggestions, and the preparations for that purpose, I take it for granted, nobody will expect me to detail here, or any where else, the particulars of the intelligence we received upon that part of the subject. I must rest upon the general presumption, that expeditions of this description would not be undertaken, except upon such reasonable grounds of

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success as justified the instructions to the extent they were given. Were you to wait in such cases until probable information could be authenticated, and to lay it down as a rule not to proceed except upon an absolute certainty, the season for action would be spent in vain researches, and the publicity of your intention would frustrate every chance of success. For these reasons the instructions to the commanders must of course be discretionary; and all that I can say, or will say upon that point, is, that the meritorious officers who were engaged in the service now in question, having before them all the information which I possessed, thought themselves warranted to proceed, and to entertain such rational hopes of success as justified the attempt. But the ground of this undertaking does not rest here; for the general commanding the expedition was instructed to consult and concert with the illustrious officer who commanded off Brest, and upon the result of that consultation was to depend whether the attempt should or should not be made; that interview took place accordingly, and the result was, that both the gallant earl, now at the head of the Admiralty, and the general who commanded the land forces, were strengthened and confirmed in their expectations; and having transmitted their joint opinion to this effect, the expedition proceeded to its destination. With regard to the causes of the failure, it is a military question, upon which it would be presumption in me to give an opinion: the commanding officers were to exercise their discretion, and I have seen no grounds to justify an opinion that the discretion so entrusted was either improperly or unwisely exercised. The attainment of the object was certainly highly desirable: there is no complaint that the means supplied were not accurately arranged, or in every respect adequate to the purpose of the attempt. I therefore cannot admit that the charge, either of folly or criminality, can justly attach on those who planned the enterprise; and though the failure was certainly a disappointment, I must equally deny that it was disgraceful to those who directed its execution; and it is some consolation to know, that the loss of men was very inconsiderable. Upon the subject of Cadiz, it is unnecessary to trouble you with a similar detail. The plan was taken up with the same views as the expedition against Ferrol; and the only additional fact it may be necessary to state on this occasion is, that the pestilential disorder prevalent in that part of Spain, was not known here at the time the instructions for the expedition were dispatched from this country.

It is necessary that at this stage of the business I should particularly advert to a charge which has been recently urged with great vehemence, founded upon a supposed misconduct, in not sending the troops to the Mediterranean, so soon as they might have been sent, at the commencement of the last campaign; and it has been assumed as a certain fact, that the disasters of the Austrians in Italy were the consequence of that procrastination: but although the refutation of this charge will require some minuteness of detail, there is no assertion relative to the supposed misconduct of the war, to which a more complete answer can be given. It it here necessary to remind the House, that, at the time the expedition to Holland was undertaken, the circumstances which called for it admitted of no delay; and although a considerable degree of inconvenience arose from the precipitation with which it was necessary to make the attempt, still there was no room for hesitation. The hurried state in which the regiments that had been formed from the English militia went to Holland in the autumn of 1799, and the indispensable necessity of sending them in that condition, to support the first division, which had landed under sir Ralph Abercrombie, are points of notoriety; the officers and men having joined and met for the first time almost on the very day of their embarkation, and in many cases before their new clothing, arms, and necessaries could be supplied. Owing to the extreme severity of the service, and of the weather during the short campaign in that country these regiments returned at the end of November, in great want of clothing, of new arms, and requisites of every description, and it was then the unanimous opinion and report of all the superior officers, that however noble and truly British the spirit they had manifested in Holland, still that officers and men, who had been brought together without any previous knowledge of each other, and from a great variety of different regiments of militia, on their return from abroad under the circumstances I have mentioned, would necessarily require some time, even after their wants could be supplied, to ground themselves in military discipline and

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tactics, and to acquire that knowledge and confidence in each other which would enable them to act together with regularity or advantage in the field. The whole attention of the illustrious personage at the head of the army, and of his majesty's ministers, was immediately turned to these objects: the greatest exertions were made to supply new clothing and other requisites; and, for the first time during the war, the indulgence usually granted to a considerable proportion of the regimental officers, to be absent from the winter quarters on their private affairs until the middle of March, was suspended; even the general officers were ordered to remain with their respective brigades, and were furnished with the most pointed instructions to exert their utmost diligence in bringing them forward and rendering them fit for service. All these precautions were in a great degree frustrated by the extreme rigour of the winter, which set in by the 20th of December, before several of the regiments had even reached the quarters in which this system was to be pursued; and with every disposition in all parties little progress beyond that of supplying their wants, was made from that time till the end of Frebruary 1800.

The next observation extremely material to be attended to is, that nearly the whole of the old regiments which were employed in Holland, had been drawn from Ireland, and that on their return it became necessary to send them back to that country. This necessity arose from various causes. 1. That it is impossible for our navy to watch and protect that country from the designs of the enemy during the winter months, with equal certainty as during the fine season. 2. That the reverses experienced on the continent at the end of the campaign of 1799, and the suspension of military operations both in Switzerland and Italy, had in some degree revived the hopes of the disaffected in Ireland, whose views were likely to receive a further aid from the severity of the winter, which, in proportion as it increased the distress of the lower orders, afforded an additional facility to the treasonable practices of those who were employed to delude them into rebellion. Thirdly and principally—Because a measure was then proposed and adopted in the parliament of Ireland, for adding 10,000 men to the regular forces, by allowing that number to volunteer from the Irish militia. It was therefore necessary for this, in addition to the other reasons above stated, to send about an equal number of troops from hence to replace these volunteers, who were to be passed over to England to join the regiments for which they had entered. This operation in the Irish militia continued from the 27th of January to the 10th of March; and it is necessary not only to make some allowance after this period for the time requisite for the volunteers to join their regiments, but at least the same allowance after their junction, as to the volunteers of the English militia for their acquiring the requisite qualifications for active service.

Having premised these unquestionable facts, I have now to state, that, for a considerable time after the arrival of the army from Holland, his majesty's ministers were induced to hope that, with the great addition which the military force of this country had received, sufficient means might be assembled to enable us, by an extensive enterprise, to strike a vital blow at the naval power of France; and with that view, investigations were for some time carried on under the direction of naval and military characters of the first authority in this country, who were to have conducted the enterprise; but his majesty's servants were induced by the same authority to lay aside the project. So early as the 22nd of February 1800, they thought it their duty to recommend to his majesty that a force of not less than 20,000 men should be collected at as early a period as possible in the Mediterranean, in order to co-operate with the Austrians on the side of Italy and the south of France; on the following day (the 23rd) his majesty having approved of the plan, a communication to this effect was made to the duke of York, and the most pressing orders given in every department to prepare for this service. The command was offered to sir C. Stewart, and accepted. In answer to this communication, his Royal Highness, on the 28th, laid before his majesty's ministers a detailed account of the state of the army, of the exertions that had been made during the winter to bring forward the regiments in pursuance of the regulations I have already stated to the House, of the unavoidable difficulties and obstacles that had occurred, and of the condition and strength of each corps as it then stood. In this report, which is very minute and particular on all these points, his Royal Highness, after

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stating them, expresses himself in the following words: "It will therefore be evident, that, although the number of men required may be embarked, yet I must feel it a duty to give it as my decided opinion, that there are not any of the corps mentioned in a state for actual service, and that unless they are allowed uninterruptedly to employ the ensuing two months in equipment, formation, and instruction, little advantage is to be expected from their services against the enemy, however ably conducted. I shall therefore conclude my remarks on these corps, by expressing an earnest hope that it may suit the arrangements in agitation, not to call upon them until the expiration of the period above-mentioned, when, confiding in the zeal and ability of the generals and other officers in command of them, I think I may safely pronounce that they will be in a state to act as his majesty may be pleased to direct." His majesty's ministers, however, at the same time that they concurred with his Royal Highness in acknowledging the zeal and exertions of the general officers and the respective regiments enumerated in his report, and in doing full justice to the anxious attention with which his Royal Highness had forwarded, in concert with them, the equipment and improvement of the troops, felt it a duty imposed upon them, by their experience of all the difficulties and delays incident to the unwieldy movements of an armament of 20,000 men, to urge his Royal Highness (as the only resource that remained) to select in the first instance as many of the troops, not amounting to less than 5,000 in the whole, as were least deficient, and to send them off as the first division to Minorca, there to wait the arrival of the remainder, and with the most pointed instructions to the general, under whom they sailed, to use every exertion in promoting their improvement in that island. This was all that could be done to save time, and in consequence near 6,000 men were embarked during the month of March. After some detention in the Downs by contrary winds, they sailed from thence on the 8th of April, were obliged to take shelter in Torbay on the 13th, re-sailed on the 24th, and finally reached Minorca on the 12th of May.

Before I can proceed farther in this part of my statement, it is necessary to observe, that, owing to the severity of the winter, all communication between this court and that of Vienna was suspended from the end of December until the middle of March, and, in consequence, that when his majesty's ministers determined, on the 22nd of February, to send 20,000 men to assist Austria in the Mediterranean, the resolution was taken upon the general presumption that such an employment of our forces would be most conducive to the general success of the war, and would be most acceptable at Vienna; but without any previous knowledge or certainty, on our part, of their sentiments, wishes, or views upon this subject. It must also be recollected, that although we were then acting with Austria against a common enemy, no alliance or binding plan of concert or co-operation actually existed between the two courts. It would not be consistent with my duty or my situation to state the particulars of what passed between the two courts, either with respect to general concert, or on the subject of our proposed co-operation in Italy, when the communication was at length opened; but gentlemen will observe that the season for action was then fast approaching, and if they will consider the distance between London and Vienna, and the possibility that all the details and arrangements of an extensive plan of mutual co-operation and assistance might require some references, or be liable to some difficulties on either side, not foreseen by the other, they will be aware that our military preparations kept pace at least with the possibility of establishing any concert for giving them effect.—To elucidate this part of the subject, I must here observe, that, according to the lowest calculation made by sir Charles Stuart, 3,000 draught horses would have been requisite to enable a British force of 20,000 infantry to move and co-operate with the Austrians; that a proportionate number of baggage and forage waggons, &c. would have been necessary; that in order to procure these upon the spot (for it is evident they could not be sent by sea), as well as pioneers and every other appendage of an army in the field, and for the formation of our magazines, it was indispensable to obtain the previous concurrence of the court of Vienna. I might farther observe, that a large body of British infantry could be of no material service, nor could it even provide for its own security, without a proportionate number of cavalry, estimated by sir Charles Stuart at not less than 5,000; and that upon this

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point also it was necessary to know the sentiments of the court of Vienna.—If gentlemen will add to these considerations the dislike all the great military powers of the continent (but Austria perhaps more than any other) feel at their armies serving with the troops of other powers, having different rates of pay, different allowances of provisions, and different modes of discipline; and if they will make some allowance for the political jealousy which the cabinet of Vienna may have entertained of the interference of any other power in her operations and military views in Italy, they will feel and admit that the adjusting a plan of co-operation for the British forces in the Mediterranean might require much time, and present many difficulties before it could be finally concluded. Be the reasons, however, what they may, the fact certainly is, that it was not arranged, and that the brilliant successes which attended the opening of the campaign by the Austrians on the side of Italy, and the great pressure they had reason to expect, and afterwards experienced on the Rhine, induced them, on the one hand, to be still less anxious for our co-operation in Italy, and on the other, much more so for our employing the force intended for that quarter in some serious diversions on the western coast of France. His majesty's ministers, whose only wish was to regulate their exertions in such a mode as promised to be most advantageous to the common cause, felt it their duty, as well in compliance with the wish of their ally, as from their own conviction, to adopt this modification, and the plan of employing the remainder of the troops in an attack upon Belleisle, and in harassing the western coasts of France, was accordingly resolved upon. This resolution was taken about the middle of April; and it was then determined to employ the first division of the 20,000 men above-mentioned, which had already sailed for the Mediterranean, together with such disposeable force as might be withdrawn from the garrisons of Minorca and Gibraltar (making in the whole about 9,000 men) in co-operating with the Austrians, either by diversions on the coasts of France within the Mediterranean, or by giving them a more direct assistance, should any reverse (certainly then very little expected on their part) make them wish that our troops should be employed in either of the above modes; and if not, that sir C. Stuart should proceed with them to Malta, and endeavour to expedite the reduction of that island. On the 22nd of April, sir C. Stuart, having perused the instructions which had been prepared for him to the above effect, was induced to resign the command; and as so many false rumours and surmises, injurious to government, and particularly to myself, have been circulated respecting the motives which induced that gallant officer to take this step, I shall here take the liberty of reading a few words from the letter, in which he states the true reason of his retirement.

It would certainly have been to me, as it must have been to every member of this House, a great satisfaction had that excellent officer been enabled by his attendance in his place to have prevented by his personal testimony the necessity of appealing to his letter on this occasion; but most unfortunately for his afflicted family, for his country, for his friends, and for the army, he is now languishing on a bed of sickness; perhaps at this moment the stroke of death is impending over him, and the heroic example of steady valour, and of the most noble enthusiasm, joined to the soundest judgment, which have marked his military life, is, I have too much reason to apprehend, never again to animate the exertions of British soldiers, by whom, however, as long as these virtues remain a just object of pride and admiration in our army, his name and services will ever be recollected with gratitude, affection, and respect. The sentence of this letter, which I think it necessary to read, is as follows: "Although I have freely submitted these professional remarks to you, on the difficulty of reducing La Valletta by siege, I trust you will do me the justice to believe, that neither the circumstances I have have stated, the reduction of the force first proposed, or the inferiority of the objects now in contemplation, comparatively with those originally designed, make me for one instant wish to relinquish the danger or honour of the undertaking; but the same point of honour, the good of this country, and, I may add, the humanity which gives rise to these feelings, render it impossible for me to obey the particular instruction concerning the introduction of a Russian force into Malta." The subsequent part of the letter states the general's reasons for declining to contribute to the reduction of Malta, in case that reduction were to lead to a Russian

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garrison, or any troops of that country, being admitted.—These reasons may be good or bad, but they have nothing to do with the fact, and are therefore unnecessary to be produced on this occasion. Such, in his own words, is the ground on which he resigned the command; and I cannot on this occasion avoid remarking, that whilst we are accused of acting with insincerity towards Russia, the circumstance which led to this resignation is a strong proof how anxious his majesty felt to offer to that power (though bound to it by no positive engagement whatever) a participation in the advantages of that conquest, in case Russia had remained faithful to her alliance, and to the bonds of amity then subsisting between her and this country.

In consequence of this resignation, sir R. Abercrombie was sent for, and offered the command; and on the 5th of May he received his instructions. He sailed from Spithead on the 13th in a single frigate, but meeting with a very long passage, for which, as for other disappointments of a similar nature, ministers are surely not responsible, he did not reach Minorca until the 22nd of June. On his arrival there, he found a requisition from general Melas for a body of troops, and in compliance with his instructions in this respect, so little time was lost in paying attention to the wishes of our ally, that he sailed on the following day for Genoa; but on the 14th of that month the battle of Marengo had been fought, and the false security of the Austrians, whilst it rendered them in the outset of the campaign too indifferent perhaps to our assistance, and afterwards too inattentive to the movements of the French on the side of the Alps, had enabled Buonaparté to strike that fatal blow, which ruined at once the hopes of the campaign and of the war.—In consequence the armament went to Leghorn, from whence a part of it was dispatched to Malta, and the remainder returned to Minorca. The effect that battle, and the disasters in Germany, followed by the armistice, had upon our other plans, and the subsequent part of the campaign, have been already fully explained.

I avoid dwelling on the naval successes of this war, because they are uncontroverted. The most signal victories have been obtained—the most gallant exploits have been achieved, and in the course of the war, we have taken or destroyed 78 ships of the line, 181 frigates, and 224 smaller vessels, making a general total of 483 ships of war, besides 748 French privateers, 15 Dutch, and 76 Spanish, in all 834, which, added to the 483 ships of war, makes a grand total of 1,317 vessels equipped for the purposes of war; while, on the other hand, Great Britain has lost by capture only 3 ships of the line, and one ship of 50 guns, of which one of the line and that of 50 guns have been retaken; and of the frigates taken from Great Britain, only one, of 32 guns (the Ambuscade) is now in possession of the enemy, or perhaps two, as it appears that another has lately been captured in the Mediterranean. Most of the smaller vessels have also been retaken. It is a constant attempt of those gentlemen, who find it convenient to depreciate the successes, and to cast a shade over the laurels of their country, to separate our naval and military operations; but to that manœuvre I cannot submit; for, when gentlemen talk of a disgraceful and disastrous war, they must recollect that the same councils have guided the one, which have conducted the other. No person who knows the respect I entertain for the meritorious services of the board of Admiralty, or who knows the unbounded love and esteem I bear to the illustrious character who presided over that board during the late administration, will believe me capable of detracting any thing from the glory that belongs to him. But I believe that noble lord would not receive it as a compliment from any person, to be told that he conducted the naval operations of the war, except in concert with others of his majesty's confidential servants; neither, on the other hand, will they suppose that I exclusively arrogate to myself any of those successes which I have detailed. If there have been any defects or delays in the preparations for executing the plans resolved upon, that demerit belongs in a peculiar degree to me; but what I contend for is, that no separation can be made in the councils, by which any of the operations, naval or military, have been conducted.—And there is another ground, which renders it impossible to separate from our naval successes the operations of his majesty's forces in the various quarters of the globe. Our naval successes are not solely owing to the unparalleled skill and valour of our commanders, and the decided superiority of our fleets; but they are likewise in a great degree to be attributed to the measures which have been taken to annihilate

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the naval resources of our enemy: and what are those measures, other than the capture of their colonies, and the consequent annihilation of their navigation and commerce?

Before I leave this head, allow me a moment to apply what I alluded to at a former period of my speech, respecting the benefits to be derived from an early possession of the colonies of our enemies, in so far as it opens a beneficial substitute for those markets which must be interrupted more or less by every war, in proportion as that war is more or less complicated and extended. It will be satisfactory to the House to be informed to what extent this object has been attained. I have seen the accounts of exports for the year 1799. To our West India conquest and the Cape of Good Hope alone they amounted to 1,775,000*l.*; and to this ought fairly to be added the increase of export to our old West India possessions, occasioned chiefly by the capture of the enemies' colonies, and the security thence derived to our own. In 1792, the exports to our own colonies amounted to 2,550,000*l.*; and in 1799, the exports to the same colonies amounted to 3,983,000*l.* When this excess, being 1,433,000*l.*, is added to the exports to the conquered colonies, in the same year, they amount to 3,206,000*l.* During the same year, the exports to Denmark, Russia, Sweden, Poland, Prussia and Germany, amounted to 2,883,000*l.*, being 313,000*l.* less than the extended exports to the West Indies. —And the result of the statement is, that, by our successful exertions in the course of the war, we have provided markets for the export of the produce and manufactures of Great Britain, more than a substitute for all the markets of Europe. But, in stating my proposition in this shape, I do great injustice to my own argument in considering these markets merely as a substitute: for there cannot be a doubt, that by much the greatest part of these exports to the continent would continue to be sent, even if we should be at war with the whole North of Europe. The true way therefore of viewing the exports to those conquered colonies is, to consider them as an acquisition of additional markets, and not merely as a substitute for old ones.—It will be remarked, that the observations I have just made are confined solely to our West India possessions and the Cape of Good Hope. But this is too limited a view of the subject;—for to this statement should be added the exports to our conquests in every other quarter of the world. I shall not enter into a minute examination of them. Indeed the exports to Ceylon and the other conquests in the East Indies cannot be accurately ascertained, these exports being necessarily blended with those to the East Indies in general; but I do know that the exports to the East Indies, which in 1791 were under a million, last year amounted to above 1,600,000*l.*; of British produce, exclusive of the increase on private trade, which, although I cannot accurately state it, there can be no doubt has increased in a similar proportion; and it will farther be observed that all these statements are without any reference to the commercial advantages which we have secured to ourselves by our decided superiority in the Mediterranean during this war. To enlarge upon that subject, or to calculate the advantages which, in a commercial view, the possession of Malta may open, would lead me into a more extensive field than is necessary for the object in view. The statements I have made are more than sufficient to demonstrate the proposition for which they are adduced.

I further stated at the commencement of my speech, that in my judgment nothing ought to limit the exertions of this country in early offensive operations against the colonial possessions of the enemy, when we are forced to recur to arms, except the precautions prescribed by a just attention to the defence and internal security of the united kingdom of Great Britain and Ireland. It will therefore be expected, that I should state to the House how we are circumstanced in that respect. The return of lord Malmesbury from Lisle, at the end of the year 1796, was the period when it became necessary to pay a minute attention to the force requisite for the secure defence of Great Britain and Ireland; and at that period the charge of that business devolved upon the department over which his majesty had commanded me to preside. The force at that time stood, in Great Britain, regular cavalry 7,687, fencible ditto 6,646 total cavalry 14,383; regular infantry 10,974; fencible ditto 6,678, Militia 36,049, total infantry 53,701. In Ireland, regular cavalry 3,982, fencible ditto 731; total cavalry 4,713. Regular infantry 1,078, fencible ditto 10,521, militia 20,030 total infantry 31,629. There is at present

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of regular force in England, an establishment of 21,500 cavalry, and of 84,900 infantry; and in Ireland a regular cavalry of 4,400 men, and 48,600 infantry. This is exclusive of the artillery; exclusive of marines, to the amount of about 10,000 serving on board ships of war on the home station; exclusive of sea fencibles, amounting to near 7,000 men; and exclusive of the volunteer force in both islands. I am not possessed of an accurate statement of the volunteer force in Ireland, but I am generally informed that it amounts to about 40,000. In England according to an examination very recently made of their effective strength, it amounts to 20,685 cavalry, and 107,353 infantry.

I am perfectly aware that many gentlemen are not disposed to put the same value, and to rest the same reliance upon the security arising from the volunteer force that I do: every man must judge from his own feelings upon that subject. On occasion of riots arising from scarcity of provisions, or other internal causes, I believe there have been some few instances of corps which have manifested an indisposition to act against their fellow subjects, misled into excesses by the pressure of the times, and the unjustifiable means taken to inflame their minds, by connecting the unavoidable calamity of the season with dangerous prejudices and popular delusions. The corps, however, which have shown this degree of unwillingness are but few in number, and I make no doubt that his majesty's servants will take the proper methods of preventing any inconvenience arising from men having arms in their hands, refusing to act for any lawful purpose for which they may be called upon to give their assistance. I have said, that the corps of the description to which I have referred are few in number; and on the other hand, I have a certain knowledge, that, in a variety of places, where there was occasion to recur to corps of this description, they have, as it was their duty, manifested every disposition to alacrity and vigour in the execution of their orders, and the fulfilment of the engagements they had entered into. Many who hear me can bear testimony to such being the conduct of the very valuable establishment of volunteer corps in many parts of the country the most exposed to popular commotions, and in none more than in this metropolis and its neighbourhood.

It is, however, unnecessary to dwell longer upon this topic in the present view of the subject before the House; for we are now talking of the defence of the country against a foreign and invading enemy; and I hope I am not to be told that a hundred and thirty thousand men with British hearts, and trained to arms are not to be considered as a bulwark against any invading enemy, especially of such an enemy, whose merciless devastation has been experienced in every country, where, either by force or intrigue, under the mask of friendship and protection, or with undisguised violence, the arms of France have found their way in the course of this war. No person can ever convince me, that if ever the enemy could make good a landing in any part of the united kingdom, any serious alarm ought to be entertained, as long as the armed force in Great Britain and Ireland, including regulars, militia, and volunteers amounts to between three and four hundred thousand men, and as long as I bear in recollection the feelings and disposition manifested in every part of the country at the crisis which gave rise and consistency to the volunteer establishments. Under circumstances of menaced invasion, supported by the most extensive preparations on the part of the enemy, when it became my duty to appeal to the patriotism and public zeal of the country, and the effect of that zeal was to produce offers from almost every existing corps of an extension of their limited services together with a great addition of new levies, all formed and trained upon the special ground of defending their country against the dangers of foreign invasion; and when in addition to all this internal security, we reflect upon the innumerable difficulties, moral and physical, amounting nearly to impossibility, attendant upon invasion in the face of a superior fleet, I must leave those who entertain panics upon this subject to the full indulgence of their own imaginations; for, being unable myself to participate in their feelings, I am unfit to administer comfort to minds so diseased.

I trust it will not be thought foreign to this subject to take notice of a topic which has been occasionally introduced when the security of the country has been under discussion. I have been accused of endangering that security by the measure which I proposed, of enabling the supplementary militia to recruit into the regular army; and it has been added, that, by that mea-

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sure, the whole of the force so volunteering had been withdrawn, and appropriated to other objects than our domestic security. I have not the smallest disposition to shrink from any responsibility which may be supposed peculiarly to belong to me on account of that measure. I gave my reasons at the time in this House, and they were approved of by parliament. I trust the opinions then entertained by those who concurred with me have not been abandoned by them—by myself they certainly have not; but it may be material to remove all ground of animadversion upon that score by stating how the fact really stands. The number of men obtained by that measure, in all its different stages, both here and in Ireland, as nearly as I can calculate, amounted to not less than thirty thousand. Of these there are now at Gibraltar 2,024, at Malta 2,068, at Minorca 4,828, at Portugal 995. I am not sure of the present station of the 40th regiment, which received 1504; but it will be observed, that all those numbers joined together, amount to no more than 11,419, being the whole applied to foreign service, but no less than 15,895 were appropriated to regiments actually now serving in Great Britain or Ireland, and I leave it to the House to judge whether it can be alleged with reason and truth that those men have been withdrawn from the security of Great Britain and Ireland; or whether, being equally applicable to the service of both parts of the united empire, they are not more effectual for the general security of both, than they were in their former situation. Add to this, that all the disembodied part of the supplementary militia is at this moment liable to be called out, and as much at the service of their country as they were at any former period.

Having now considered what are the principles upon which, in my judgment, Great Britain at war ought to conduct it, and having laid before the House in detail how far these principles have been adhered to in the conduct of this war, it remains still that I should institute a comparison of the result of the war so conducted, with any other period of war in the annals of our history; and, in order that the comparison may be made upon data the most unfavourable for the conduct of the present war, I fix upon the seven years war as that period, the latter years of which were conducted under the auspices of Mr. Pitt, afterwards earl of Chatham. In order distinctly to comprehend this view of the subject, I shall, in the same manner as I have done with regard to the present war, state the successes of each year separately: only premising, that, for the first six years of the war, Great Britain had France alone to contend with, and had all the benefit of the resources which the American colonies at that time afforded to us: whereas in the present war, during these several years past, we have had to contend with France united with Spain and Holland in hostility against us. Hostilities commenced in America in 1755, and the result of the campaign was, the surrender of a fort to colonel Monckton in Nova Scotia, and of Severndroog and Fort Victoria on the 2nd and 8th of April. In 1756, Cherica surrendered to rear-admiral Watson. In 1757, Calcutta was re-taken by vice-admiral Watson and colonel Clive on the 2nd of January, and Chandernagore surrendered to the vice-admiral on the 23rd of March in the same year. In 1758, Senegal was taken, Louisbourg surrendered, Cherbourg was taken possession of on the 7th of August, and the bason, jettees, and forts destroyed. Fort Du Quesne was taken 24th of November. Goree was taken the 28th of December. In 1759, Guadaloupe and its dependencies on the 1st of May. Quebec surrendered 18th of September. In 1760, Montreal surrendered to general Amherst on the 8th of September. In 1761, Pondicherry, Belleisle, and Dominique surrended. In 1762, Martinique, Grenada, and the Havannah were taken. The result of the naval successes was 32 ships of the line taken and destroyed, about fifty frigates, and a proportionate number of vessels of a smaller description. The naval victories were obtained by admiral Boscawen and sir Edward Hawke; and although highly brilliant and important at the time, they certainly do not succeed the naval glories of the present day.

Having mentioned the failures of the present war, I must, to complete the comparison, refer to those of the war of 1755. Minorca was taken from us, and never recovered till the peace; and we thereby lost our footing in the Mediterranean. It is not my disposition to disturb the ashes of the dead, and therefore I shall not dwell upon any circumstances which may have been supposed to tarnish the character of our fleet at the same moment

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that we lost Minorca. In the course of that war some reverses and failures were also experienced, both in the East and America; but as the ultimate success was splendid and complete in both these quarters, I do not think it necessary to dwell upon them. It is necessary, however, I should mention, that although we were successful both at Cherbourg and Belleisle, we were not so in the expeditions against Rochfort and St. Cas; and those who have endeavoured so completely to misrepresent the termination of the expedition to Holland, should not forget that a convention of a much more mortifying description took place at Closter Severn during the seven years war. Upon this, however, I likewise avoid to dwell; for whatever other gentlemen may feel, I profess to derive no satisfaction in expatiating upon the past or present, or in anticipating any future calamities to my country.

After the enumeration I have given, the House will feel enabled to institute the comparison to which I have directed their attention. Suffice it for me to say, that there is not one success, nor one advantage, either naval or military, obtained in that war, which has not been equalled by the advantages and successes in this war, with the addition of many others. With the exception of Guadaloupe, the Havannah, and Belleisle, we now hold every advantage and every possession which the glory of the seven years war procured for this country; and we have the addition of Trinidada, of Surinam, Demerara, Berbice, Essequibo, and Curacoa, in the West Indies. We are in possession of Minorca and Malta in the Mediterranean, with an unrivalled superiority in that sea, and in the Levant. In the East Indies we are in possession of all the Dutch settlements; and an extensive confederacy formed between France and the most powerful prince in India, has terminated in the loss of their possessions in that quarter, and in the complete security of our Asiatic empire, by the overthrow of our most inveterate enemy, and the conquest of the Mysore. In this general view, I must not omit taking notice of St. Domingo. It certainly has not been conquered in either war; and during a great part of the seven years war, till the commerce of France was destroyed by our cruizers, it was the means of great and substantial resources to that country in carrying on hostilities. It has not been so at any period of the present war. I admit that the expenses attending our footing in that island have been great, but in return for these expenses we have received a considerable advantage, both from its produce as a colony, and from its consumption as a market. But these advantages are too inconsiderable to be dwelt upon in the general view I am taking of this subject. The solid advantage we have derived from it is, having prevented it from administering to the resources of the enemy, as in former wars, or its becoming the means of annoying our own important colony of Jamaica.—With this result before us, and with the knowledge that whilst we have been extending our conquests in every quarter of the world, we have not lost one inch of territory in any of our own possessions, I trust my right hon. friend, who for these many years has guided the councils of this country, and has superintended the conduct and operations of this war, need not be afraid to transmit his fame to posterity as the companion of that of his illustrious father. Any merit I may claim is of a very subordinate nature. It has been to execute with industry and with attention those operations which had been planned by the superior wisdom of others, and to adhere to those principles to which I trust this country will ever be attentive as often as it may be involved in war.

I have one observation more to make in the comparison of this war, with that conducted with such acknowledged brilliancy and success under the auspices of the earl of Chatham. I am the more eager to make the observation, because I am proud to adduce his authority and example in support of the principles I have detailed, and in opposition to those who at any time in the course of this war have been pleased to arraign the appropriation of so much of the force of the country to the object of colonial conquest. In the enumeration I have given of the successes of the seven years war, I desire to have it particularly observed, that the brilliancy of that war, and the final success which attended it, arose from those vigorous exertions against the colonial possessions of our enemies, by which the commerce and navigation, and, as a consequence, the naval resources of the enemy, were annihilated: the same line of conduct which led to this result, has been invariably pursued in the course of this war. Per-

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haps I might conclude the comparison here; but, if I did, I should not do justice to my colleagues in the statement I have endeavoured to give of their conduct of the war.—In order to judge how far they have wisely and successfully used the great means which their country has put into their hands, it is necessary that the House should attend to many collateral considerations which distinguish this war from the war of 1755, and from every other war in which this country was ever engaged.—In the first place, we have been fighting against a revolutionary government, having recourse to means, which, although they must ultimately fail, are all-powerful whilst they last: a disadvantage to which those who conducted the seven years war, or any other war, were never subjected. The seven years war was supported in France by the ordinary resources of credit and taxation, and not by the violent seizure of whole capitals, the accumulated wealth of centuries, wherever they could be found. In the seven years war, one public bankruptcy did not succeed another, and the sacred claims of the creditors of the state were not set aside to serve the purposes of war. In the seven years war, one half of the landed property of France was not seized upon by the state, and converted to the purposes of war. In the seven years war, no travelling guillotines were sent about the country to force the population in a mass to its fleets and armies: no successive and general requisitions and conscriptions were enforced to replenish the ranks as often as they were thinned by the most lavish expenditure of blood, of which any war or any nation ever set the example. In the seven years war, whole colonies of slaves were not armed and arrayed against their masters, and the means of hostility against the colonies of their enemy procured by expedients which could not fail to be destructive of their own. In this war these desperate and violent measures have been, and still are, the habitual resources of France.

Secondly, We should have had less reason to complain, if they had kept their revolutionary principles at home; but unfortunately those delusive and dangerous doctrines found their way into the kingdoms of Great Britain and Ireland. It would be endless to enlarge upon a topic so extensive and material in the consideration of this subject. At present I wish to direct the attention of the House to this circumstance merely in a military point of view, and as connected with the conduct of the war. I have only to refer to the reports of the committees both here and in the Irish parliament, in order to assume it as an established fact, that whilst we have been obliged to attend to the most complicated and extensive war the country was ever engaged in, we have at the same time, for years past, and indeed during the whole period of the war, been obliged to watch and counteract conspiracy and treason in both parts of the united kingdom; and, in Ireland, to quell an open and formidable rebellion in the field. Treasons, conspiracies, and rebellions, formed in concert with, and subservient to, the views of our inveterate foreign enemies. While we have been holding out our constitution as a prize worthy to be contended for with the last shilling of our treasure, and the last drop of our blood, conspirators have been instilling into the minds of the people, that the constitution was not worth defending! and that our invaders would bring along with them systems and principles of government more favourable to the attainment and preservation of liberty! While we were contending that no constitution had ever yet existed so peculiarly framed as ours, both for the acquisition and the security of property fairly and honestly possessed, conspirators have been addressing themselves to the basest prejudices and passions of the people, offering them, in addition to a delusive freedom, equality of property, by subverting all the gradations of rank in society, and overthrowing all ideas by which property is connected with those gradations. While we have been bearing up the spirit of the country, and encouraging the people manfully to encounter the difficulties and dangers to which they were inevitably exposed, conspirators have been magnifying every reverse we happened to sustain, and exaggerating, in the most glowing colours their degenerate hearts and wicked imaginations could suggest, the successes of our enemies. In former wars, the tribute of praise due to the successes of hostile generals has been left to the gratitude, applause, and admiration of their own country; but in proportion as Buonaparté and Moreau have been successful in combating the interests and defeating the exertions of the allies

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of this country, exactly in the same proportion have they found in this country their ablest and warmest panegyrists; and there is no hero or statesman, either ancient or modern, who has not been brought forward as a foil to set off the lustre which has been ascribed to those enemies of Great Britain; and this observation, as applicable to the first consul of the French republic, is the more striking, when it is recollected that, in the first moments of his power, he was the object of execration and invective in the mouth of every Jacobin in Europe, and no-where more than in this country; because, in his usurpation of power, he was truly indeed supposed to have subverted the whole principles and basis of that "most glorious fabric that the world ever beheld;"—but no sooner had he become a successful statesman and warrior, in opposition to the interests of Great Britain and its allies, than all his errors and excesses, and all his disrespect for the rights of man, and the whole system of the revolution, were consigned to oblivion; and the same pens and tongues which had originally inveighed most bitterly against him, became the most enthusiastic admirers of his character, the most indefatigable panegyrists of his success, and the most strenuous advocates of his ambition. I wish I could with truth assert, that such language had never found its way within the walls of parliament.

Thirdly, Among the principal features which have added to the difficulties of the present war, and distinguished it from all former wars, I must not omit to state the total disregard, on the part of France, of all principles of public faith as existing between nation and nation.—If I wished to state a most flagrant and unprovoked instance of aggression in this respect, I should quote the French invasion of Egypt; and if I am asked what this has to do with the question? I shall, in my turn, ask gentlemen on the other side, whether that invasion has not, from the first moment it was suspected, obliged us to employ a very considerable part of our forces, both naval and military, to watch the enemy in that quarter, which, in the common course of hostilities, and with an enemy that had been restrained by the faith of treaties, or an acknowledged principle of public law, might have been employed elsewhere? If I may be allowed to recall, for instance, one of the most splendid achievements of the seven years war (the conquest of the Havannah), will any one tell me, that, if the French government of that day had been so perfidious to the Ottoman Porte as to have taken possession of Egypt, and had from thence threatened India, lord Chatham would not have been precluded, perhaps, from undertaking that brilliant operation against Spain, by the more pressing necessity of supporting the Turks in Egypt.

Lastly—But great and manifest as these advantages are, which the conductors of former wars enjoyed over those who have been called to the discharge of the same arduous duties during the present hostilities, there is none more striking than that suspension of party animosities which took place during the period of lord Chatham's administration. Party feelings and party animosities were not less acrimonious in reality than in the present day; but the conduct of parties was very different indeed. The country was supposed to be in imminent danger, and men of every description thought themselves bound to unite in saving it. Has it been our fate to meet with a similar support? A spirit of a very opposite tendency has been woefully displayed. The necessity and justice of the war have been reviled. The necessary evils of war have been exaggerated by every expression calculated to inflame the minds of the people; and in so far as it was possible for our enemies to derive comfort, and consolation from the representations conveyed to them, they have been cherished and encouraged in the conflict.—It is not my intention to accuse our opponents of an assiduous attention to what they conceived their duty in these respects within the walls of this House. In so far they may conceive themselves to have been indulgent; but for that indulgence I can return them no thanks. When I recollect the periods at which they thought proper to secede, and the moments when they have thought it convenient to return; when I reflect upon the places and the modes by which they have diffused the poison of their opinions, I have not charity enough to acknowledge their forbearance with any sentiments of gratitude.—I am much more ready to do justice to the services of those, who, by the assiduity of their attendance in parliament, have practically proved, that they conceived this House to be the place for the display of their talents, and the gratifica-

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tion of their ambition. I wish I was able, in candour, to give them equal credit for the selection of those topics on which they have endeavoured to exhibit their talents.

One topic has been, general declamation, tending to depreciate the situation and resources of the country. I should have imagined that more pleasing subjects of eloquence might have been found, in contemplating the state of the country with respect to its commerce, its revenue, its credit, its internal prosperity, evinced in so many different ways notwithstanding, the pressure of scarcity added to that of protracted war. I must be permitted to express my surprise, that they did not find it more suitable to their own taste, as I am sure it must have been more pleasing to those they addressed, to have stated to this House, that, at the end of the seven years war, and of the last war, considerable arrears, on the one hand, and no sinking fund, on the other, existed; that lesser burthens were paid with more difficulty than greater ones at present; that they did not draw from this the inference, that the means of meeting fresh taxes have at least kept pace with the necessity of imposing them; and as a further proof of this proposition, that it never occurred to them to compare the value of land at present and at the end of the two former wars: that with the same view they never looked into the state of interest on money, the number of bills annually introduced into this House for canals, inclosures, public roads, and other extensive enterprizes; that they never were struck with these and so many other symptoms of internal improvement—with the state of our manufactures and commerce—and generally, with the concurrence of every circumstance from which a conclusion can be drawn upon the question—Whether the national capital has or has not increased, so as to afford to its individual possessors the means of paying out of the revenue derived from it the increasing demands of the state upon that revenue, with more ease to themselves than at the same period of any former war?

There is another view of this subject upon which I must likewise express my surprise that gentlemen anxious to display their talents and eloquence have not been more eager to dwell. When the gentlemen opposite to me have thought it their duty, day after day, to add pangs and distresses to the mind of every peasant, cottager, manufacturer, and merchant, by a recital of all the distresses and calamities they are supposed to labour under, has it never occurred to them, to spare their own feelings, to indulge the benevolence of their own dispositions, and to gratify the tenderness of their own hearts, by administering consolation to every description of the subjects of this country, by a comparison of their situation with that of similar descriptions of people in the country with which we are at war. There is no positive happiness in this world. For individuals, as for nations, ease and happiness are relative advantages, which not only admit of, but must generally be determined by comparison with the ease and happiness enjoyed by other individuals or other nations. Directed to this view of the subject, the topics of eloquence in the hands of the hon. gentlemen would have been inexhaustible, if they had thought it worth their while occasionally to bestow a few sentences in detailing the interior state of France, as it has been affected by the present war. Let them ask the rich merchant of Marseilles, the great manufacturer of Lyons, the annuitant who had trusted his capital to the good faith of the state, or the gentleman of landed property, whether in France, or in its once flourishing colonies, what have been their respective situations for these last nine years? Whether their trade has increased, their manufactures flourished, their dividends or their rents been paid? I believe that the three first classes might answer as one man, that they should be too happy if the revolution had left them a tythe even of the capital, and the resources it has taken from them; and most of the fourth class have been dispossessed altogether. Let gentlemen look at the population of France, and find, if they can, a single family almost that has not the loss of a son or a husband to deplore. Let them look at the state of religion and public morals in France, at the neglected and ruinous state of all public institutions (those connected with their military views alone excepted), at the condition of the provinces and public roads in every part of the republic. Let them tell me what degree of political liberty exists, and what is the state of the press? Let them tell me by what means the personal liberty,

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the personal safety, or the property of the subject is protected against the arbitrary power of a military government? And when they have well considered all these things, not with the acute feelings of those who have endured these sufferings, and whose wounds are still unhealed, but as mere spectators only, with the common feelings of humanity, and the ideas derived from an English education—and then let them tell me whether this war, however successful to the French in their military operations on the continent, has not been the most really destructive of the happiness and prospects of those by whom it has been carried on and supported, that ever was undertaken by any great nation? I have no pleasure in thus detailing the miseries and calamities even of an enemy; but if, by comparing the state of my own country with that of the enemy to which it is opposed in war, I can invigorate the spirit and energy of my countrymen, if by such a comparison I can afford them consolation under the difficulties they have encountered, and fortitude to resist those to which they are still exposed; if, in one word, by such a detail, I can point out to them all the miseries and horrors of a revolutionary government, I shall think it the best service I can discharge to my country, and the best legacy I can bequeath to it at the close of my political life.

I should not do justice to the subject I have undertaken to discuss, or to the charges brought by my opponents, if I were to conclude without adverting to one more topic, upon which the gentlemen opposite to me have conceived themselves at liberty to dwell with peculiar triumph. Leaving behind them, as out of the question, all our separate successes, in our separate war, both against France and all its allies, and referring only to one or two partial failures, they have at the same time been particularly eager to impute to the late administration the bad success of our allies upon the continent; and having assumed as the foundation of their invectives that the restoration of monarchy in France was the object of the war, they have expatiated upon the total failure of that object, and have from thence thought themselves entitled to conclude, that the war has been disgraceful and disastrous to this country. Upon this view of the question, I have in the first place explicitly to deny, as we have uniformly denied it, that the object of this war was the restoration of the monarchy in France. We have, in common with many of the wisest and best men in every quarter of Europe, wished, it is true, for the restoration of monarchy in France, believing it to be the only means of completely extirpating from that country those revolutionary principles which have spread such destruction over the whole continent of Europe. We likewise professed our sincere sorrow and regret that these revolutionary principles should have been successful any where in overturning one government and establishing another, which, whatever may be its present merits or defects, concerning which I give no opinion, has certainly arisen out of the subversion of property, and of every other principle on which civil society had till then been maintained, and as such, must, in proportion to its extent and success, be a matter of dangerous example to the disaffected, and of salutary warning to the friends of good order in all other countries. But to say that the object of this country has been to establish any particular form of government in France, is only to repeat an assertion which has been as often contradicted as it has been made; and if I were to go over the same ground again, it would only lead to renew the discussion on topics which have been so often treated of by much abler hands. The object of the present war has been to defend ourselves, and to preserve that system of government by which the property, the liberties, and the religion of this country have been maintained, and for the preservation of which, against an unprovoked and systematic aggression, the decisions of parliament and the sense of the people have so repeatedly declared the present war to have been, in its origin, just, necessary, and unavoidable. Sheltered by such authorities, I will not be tempted to run over that ground which has been so often trodden before.

With regard to the bad success of our allies, I believe I lament those calamities fully as much as any of the gentlemen who take such pleasure in expatiating upon them; but I must protest against the government of this country being charged with the calamities and misfortunes of those allies with whom we have been connected. We are entitled in justice to contend, that the question of success or failure is to be measured by a consideration of our own efforts,

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consistency, advantages, and present situation; and not by laying at our door the caprice, the pusillanimity, the reverses, and consequent calamities of all those powers, who, whether allied with us or not, have been forced, by the aggressions of France, into the present war. So far from denying the charge, we claim merit to ourselves in having, by every persuasion and every means in our power, endeavoured to impress upon the minds of every court in Europe, the necessity of energy, firmness, and vigour, to resist those calamities which there was no chance of averting by any other weapons. If our advice and remonstrances had been followed, and if the various potentates in Europe had been induced to lay aside their own jealousies and unfortunate animosities, the issue would have been different to all of them, and they would have been relieved from the risk of those future aggressions and dangers which they will sooner or later be obliged to encounter. Thus far we admit, but we will not acknowledge ourselves responsible for the execution of measures, many of which we have lamented, and scarcely any of which we could control.

I feel, however, that I am enlarging unnecessarily upon a topic, which, although my opponents may find it convenient, from events, to dwell upon, still forms no part of the grounds of their disapprobation of the conduct of the present war. To prove this, I have only to remark, that the war, whether considered as a confederacy of powers opposed to a most formidable enemy, or as the separate war of this country, has at every different period of its duration, and under every change of its fortune, been equally stigmatized as disastrous by those gentlemen. At the close of the campaign of 1799, this epithet was no less applicable in their sense, than at the period of the last armistice in Germany. What meaning then do they attach to this expression, as applied to the war generally, since in their mouths it is equally characteristic of the most glorious and of the most calamitous epochs of the continental war? When the victorious Austrians had recovered Italy, and were on the frontiers of France, the war was the most disastrous ever known. It is mentioned in the same terms (for they can find no stronger), when the same armies are discomfited and driven back to the walls of Vienna. That something therefore which makes this was the most disastrous, if the word in their mouths has any meaning at all, must be independent of, and unconnected with, the continental war, and can consequently have reference to the separate war of this country only, and on this point I have joined issue with them, and am not afraid, upon the statement I have given, to wait the judgment of this House, and of a candid and impartial public.

After the tax I have already imposed on the indulgence and attention of the House, I should be inexcusable if I were to enter upon a discussion of the other topics stated by the hon. gentleman as objects of inquiry; I must therefore leave these to be adverted to by others. It will, however, be expected that I should say a few words on the concluding part of the hon. gentleman's speech, in which, in common with some of my late colleagues in office, I am personally implicated. It has been stated, that there is a mystery and cloud hanging over our retirement from office which ought to be cleared up by an inquiry. I must confess I really do not understand what is meant by these expressions. Nothing can be more simple and less mysterious than the whole of that transaction. It happened that some of his majesty's confidential servants entertained a deep-rooted opinion, that it was of essential moment to the full consolidation of the interests of the united kingdom of Great Britain and Ireland, that the situation of the Catholics of Ireland should undergo a revision, with a view to further indulgences being granted to them; and finding insuperable objections to their bringing forward that measure with any beneficial effect, they thought it their duty humbly to entreat his majesty's permission to retire from the public service, and his majesty was graciously pleased to acquiesce in their request. In this transaction they are not able to discern any thing either mysterious or incompatible with the principles and usages of the constitution. They have often heard it stated as a reproach to public men, that they had clung to their official situations after it was notoriously perceived that they were disabled from bringing forward or carrying measures which they conceived to be of deep importance to the interests of the empire, but this is the first time I have ever heard of reproach or blame being imputed to an opposite conduct; and without meaning to impeach the judgment or integrity of other

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men, I must be permitted to state, that the individuals concerned are the only persons entitled to appreciate the importance of the object in question, with a view to the guidance of their own conduct, and what was conscientiously their duty to do on such an occasion. We have retired in no disgust, nor in any spirit of faction. We feel, and shall continue to feel to the last hour of our lives, every sentiment of loyalty, duty, and attachment to our sovereign; and it is impossible that some of us can ever forget, or cease to acknowledge with gratitude and reverence, the many marks of public indulgence, and of private kindness, which, in his gracious goodness he has been pleased, on multiplied occasions, to manifest towards us; and we wish the sincerity of these sentiments to be judged of, not by our professions, but by the future tenor of our lives.

It is with heartfelt satisfaction I perceive, that the talents, the character, and the virtues of our successors, have entitled them to the confidence of their sovereign. The best proof I can give of the sincerity of this feeling is, my determination to give to them my most decided support in whatever way it can be useful to add to the strength of his majesty's government; and that resolution is doubly enforced by the conviction I have, that they are entitled to it by their determination to follow the example of their predecessors in resisting the attempts and influence of those whose principles and conduct I conceive are inimical to the stability of our happy constitution. From such persons I have no doubt they will receive, as their predecessors experienced, a decided and inveterate opposition; but from that opposition I can predict they will derive a powerful means of support. I cannot, Sir, better explain the light in which I view it, than by stating an anecdote of two royal brothers:—Charles the 2nd being cautioned by his brother the duke of York against the danger of mixing, according to his frequent custom with the people, and of exposing his person unguarded at a period of considerable ferment, and discontent, replied—"brother, brother, do not be uneasy; I have nothing to fear, for they know who expects to be my successor; they will never murder me, to make way for you." I shall conclude, Sir, with expressing my sincere hope and confident expectation that his majesty's present ministers will use their best endeavours to obtain for the country the blessings of a safe and honourable peace; and if such cannot be obtained, that they will continue to call forth and employ the resources and energy of the country in the prosecution of a vigorous and successful war.

Earl *Temple* said, he was sorry on the present occasion, to feel it his duty to differ from those with whom, ever since he had entered into parliament, he had almost uniformly acted. He professed to entertain the greatest respect for the new chancellor of the exchequer: but he confessed he would rather that he had continued to fill the Chair of the House, which he had so long done with honour to himself and with usefulness to the country. Though, upon the subject before the House, he believed there were few points respecting which he could agree in opinion with the hon. mover, yet, setting out from different points, led by different impulses, and following different routes, they might agree in arriving at the same conclusion. Ever since he had come into parliament, he had supported the measures of his right hon. relation when he was in power; and he would not desert him, now that he was out of power. But he would support the present motion, because he conceived the country to be in a state of great danger and difficulty; because he thought inquiry necessary, in order to ascertain the cause and the extent of the evils with which it was afflicted, and to ascertain the remedy that ought to be applied. The king in the exercise of his undoubted prerogative, had appointed a new administration to direct the affairs of the country in this important juncture. He did not wish to speak harshly of this administration; but it appeared to him to be "a thing of shreds and patches"—made up of men in whom he could have no confidence, because he had had no experience. It had been well said, that suspicion was a sufficient ground for inquiry. He conceived this to be a good principle for a British House of Commons to act upon. The motion had many precedents. Committees of inquiry were moved for, and granted, during the American war, the India bill, and at the time of the king's illness. Two of the subjects, on which it was proposed that an inquiry should now be instituted, the principles of neutral law, and Catholic emancipation in Ireland; were intimately connected with the most valuable inter-

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ests of the country. He did not wish that the decision upon these interests should be left to ministers who had hitherto given no proof of their talents. When their conduct had proved their capacity, then he would support them: but of all things he deprecated blind confidence; they might be satisfied of their own abilities, for the arduous task they had undertaken. Phaeton drove the chariot of the sun for a day, satisfied of his ability to do it; but the effect was, he set the world on fire.

Mr. *Ellison* said, that if the present ministers had not the confidence of the noble earl, we should not thence conclude that they had not the confidence of the people. Instead of being men of little or no ability, they were possessed of powerful talents and great political sagacity. Instead of being "a thing of shreds and patches," the present administration consisted of men of worth and ability—men who had not yet been tried, and who therefore deserved public confidence. They had accepted their offices from the purest of motives; and so long as they had the welfare of the king and country at heart, so long should they have his support.

Mr. *May* did not hesitate to repose confidence in the present administration. He bestowed on them some handsome compliments, being convinced of their ability and virtue. He thought the times not favourable to an inquiry, and therefore would oppose the motion.

Sir *W. Young* said, he had supported his majesty's late ministers, but he should vote for inquiry. He had yet to learn how far the measures of the newly appointed ministers deserved his support before he gave it. He supported Mr. Pitt because he conceived that the capacity, the integrity, the genius and the eloquence of that right hon. gentleman fully entitled him to that support. Where was he now to look for measures calculated to consolidate the strength of the empire? The uncertainty in which they were placed, was alone a sufficient ground for inquiry; and when he considered the other subjects which demanded investigation, he could not hesitate to vote for the motion.

Mr. *Pitt* said, that after what the House had heard from his right hon. friend, much as he was interested in the question, and in some of the topics which were opened by the hon. mover, he should have felt that he had but little excuse for troubling the House much at large upon the present subject, if the debate had not, from a few words which fell from another member, taken a turn totally different from that which was introduced by the hon. mover The principal part of the time which he employed in the discussion was consumed in endeavouring to satisfy the House, that as he now suspected some gentlemen had improperly resigned their situations under government, that was sufficient to induce the House to go into an inquiry into the state of the nation. If it had not been for some observations that were made upon those resignations, and he had been aware that no gentleman would give his vote this night upon any but a consideration of this simple question:—"Do the arguments this night alter the principles on which you yourselves have acted for nearly nine years?"—if, he said it had not been for some observations which were independent of that question, simply so stated, he should have felt it hardly necessary for him to have troubled the House at all, but to pass by in silence, and refer to the judgment of the House, every thing which related to his own personal conduct. He hoped that this language would not be mistaken for indifference in him as to the opinion of the House, or of the country: for a contempt for either he had no wish to express. He pretended to no such philosophy as that which led to the species of indifference as to the opinion of others, which some persons chose to affect; nor was he indifferent to the circumstances of this country, nor to the opinion which the public might entertain of the share, the too large share, he had taken in them, on the contrary, he confessed, that these topics occupied his attention much, for events had happened which disappointed his warmest wishes, and frustrated the most favourite hopes of his heart; and he could have desired to have continued to pursue the objects of such hopes and wishes to the end of that struggle, which he had worked for with anxiety and care. There never was a period in his life, in which these topics were indifferent to him. Much less could he be indifferent to the good opinion of those who had been induced, on so many occasions to show so much confidence in him—a confidence, however, which had always been constitutionally given, and to which he begged leave to say, every servant of the crown was en-

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titled, until forfeited by his conduct. Neither was he indifferent to the many marked instances he had observed of the personal confidence in him, upon various occasions, and which he could not flatter himself with having merited.

Much, however, as he felt these sentiments, there were others which he felt still more strongly; and therefore he was under the necessity of submitting some ideas upon the subject before the House. This was not a question solely applicable to himself or to his colleagues; for if it were, however dear the topics of such a case might be to him, he should have been induced to give the House but little trouble on that account. No, this was a question which involved the honour of that House, and the character of the nation; the honour of the one, and the constitutional freedom of the other. This motion taken in that view of the subject, he would put to the House this question: —Whether it was prepared to retract all that it had declared and done for the last nine most eventful years, and had changed its mind on the nature of that struggle in which we had for that period been engaged, and in which, not only so large a majority of that House had been so firm, but, as he had on a former occasion taken the liberty of expressing it, a greater majority of the people had supported uniformly and steadily, and which they had considered as nothing less than a contest for independence with the enemy abroad, and for a constitutional safety with the enemy at home? He believed, therefore, that the House would conceive its honour to be implicated in the question now before it, as well as the honour, and, in a considerable degree, the safety of the country. On these points, the decision of the House, and the judgment of the public, had been uniform and steady. If ever the moment should arrive, in which, under whatever mask, the attempt should be made, to induce the House to forget the principles by which it had been so long guided—if ever the moment should arrive, in which the principles of those should prevail who had, by their arguments, supported the enemy, the counsels of those who had so often embarrassed our proceedings, and checked our efforts —counsels, which led to the surrender of our independence and constitutional freedom, instead of the counsels which tended to the preservation of both—if ever the moment should arrive, when the House, being told they should tread back their steps to avoid a general havoc over all Europe, instead of pursuing such steps uniformly and steadily should adopt the advice—if ever the moment should arrive, when the House would listen to and follow such counsels, he should then indeed begin to think that there was some ground for the prediction which had been uttered of the downfall of this empire; but, thank God! there was no appearance of any such downfall, because there was no probability that the advice and counsel he had just alluded to, was to be taken as a remedy for any evil which was alleged to afflict us.

He therefore spoke with less apprehension of danger than he should do if these things were doubtful, upon the motion of the hon. gentleman, and with the less anxiety as to many parts of that gentleman's speech, when he reflected on the manner in which it had been answered by his right hon. friend; indeed, he thought he perceived something which conveyed an idea, that the hon. gentleman opposite to him, did not entertain any very sanguine hope that they would be able to prevail on the House to assent to the motion now before it; they did not seem to think they had laid before it materials to call upon it to retract all it had hitherto asserted, or reverse all it had hitherto done in the course of the present war. This consideration, therefore, supposing he felt no other, would have induced him to remain silent on this debate; but he felt a mixed sensation, from what had fallen from an hon. gentleman, and from a noble lord, with whom he had the honour of being connected in kindred, as he had hitherto been in political sentiments. He felt grateful for the unmerited expressions of good opinion which his noble kinsman, and those with whom he was most immediately connected, had directed towards him; but he must confess, he should have been better pleased, both as a public man, and a private individual, if he had heard sentiments that were less favourable to himself, and more favourable to others, who were now in his majesty's service; and if he felt any other than such wishes, he apprehended he should have been unworthy of the good opinion which the noble lord had been pleased to express of him. Nor could he help saying, that those who, like the noble lord, were to vote for this motion, were, without intending it, adopting a course the most unfair,

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the most unkind, towards those to whom they professed friendship, that they possibly could pursue; and at the same time, a course that would be the most mischievous with regard to the interests of the public.

Now, as to the word "unfair," which he perceived had an effect on some gentlemen on the other side, which he did not intend to produce, he meant nothing uncivil to these gentlemen; but the House should judge whether his ideas were just or not. There were two sets of gentlemen who were desired to vote on precisely the same question, on two grounds, that were not only distinct, but opposite. Of this he thought himself entitled to complain. He thought he had some reason to complain, that his opponent was to have the benefit of the votes of some of the friends of the late administration, while he who was one of such administration, had only the benefit of a speech from his friends; thus his noble relation expressed in him the fullest confidence, and yet pursued him to condemnation, because he did not choose to confide in those of his majesty's servants who were now in office.

In the next place, he hoped he might be permitted to observe, that there was no point which had been more disputed in that House (although the thing itself never appeared to him to be difficult), than that of confidence in his majesty's ministers. But the case was not to stop here. The question of confidence had nothing about it that was new. It attended the outset of his administration, and it had not deserted the close of it. In the outset of his administration, he understood it to be held by some people, that no person was entitled to common and ordinary confidence, until he had given proof of having deserved it. It never could be carried in substance to the length it here went in the letter; for it was impossible to say that a man should not have any confidence in a situation, because it was new to him, for that must be made applicable for every human creature; whenever he entered at first upon any employment, he must at some time or other be new in his employment: it was not, therefore, at that time, judged that he should have no confidence personally (for certainly that was not claimed for him), but it was said, that he came into administration with sentiments opposite to those which had been held by men who preceded him in office, and who had enjoyed the confidence of the House (he meant the sentiments of the hon. gentleman opposite to him), and the question was then, whether he, who was then said to hold sentiments different from those which were said to have the confidence of the House, should have any of that confidence placed in him; that was the way in which the point was put then. But the way in which it was put now was absolutely whimsical; for it was now stated, "Here is a ministry who have had the full confidence of the House of Commons;"—words which he did not presume to utter for himself, but which, for the purposes of this debate, were uttered by others for him—and gentlemen had said, that within a few hours of his departure there was an appearance of stability in his majesty's government. But what was the complaint now? Not that the persons who now claimed the support of the House differed from those who had received that support, as he was stated to have done in 1783 (how correctly that was stated was another question), but that those who now claimed the confidence of the House, ought not to have it, because they professed the same principles as those who have so long possessed that confidence. The reason for this was a very curious one; it was stated by certain gentlemen to be that of their not knowing why his majesty's late ministers had retired:—so that confidence was to be withheld from his majesty's present servants till gentlemen knew why their predecessor's went out of office, and till the new ones were known. He did not see why gentlemen were to withhold their confidence from his majesty's present ministers, because they did not know why their predecessors retired; he did not know why gentlemen wanted any more information on that subject than they possessed already. They knew almost all they should know, and, he believed, all they would know upon that subject. But here the public were to be deprived of the services of those who had been chosen by the crown, merely because there was, about the retirement of their predecessors, something which these gentlemen said they did not understand; and because the House did not know how the new ministers would act. He understood that they were persons who would act on their own judgment, as they ought to do in each particular, but that their general principles were the same; and then it came

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to this—that the supporters of the present motion said the House ought to withhold its confidence from the present ministers, not because they were the reverse, but because they were the same in principle with those in whom the House had confided.

But he would not stop here. If the House considered the points on which it usually afforded its confidence, it would find every reason for affording it to the present ministers. It was said, that ministers should be men known to the House of Commons before the House confided in them. Be it so.—That could not be made applicable to the situation to which they were at any time to be appointed, because that would go to the exclusion of confidence in any man whenever he came into a new situation. There could be no experience of him in that situation until he was tried. But when persons were tried in one situation, and had acquitted themselves well, the rule was to give them credit that they would do so in any other situation, until proof of something to the contrary appeared. If this was not correct doctrine, he was very much deceived. He should like to know on what principle it was, that the propriety of supporting them should be questioned until they had shown by their actions that they did not deserve to be supported. Were these gentlemen called to a situation that was new to them? Yes; but were they new to the public? Not so; for they were not only not new to the House and the public, but they were not new to the love and esteem of the House and the public, and that from sufficient experience as to their principles and talents.—One of them was a gentleman who was admired in private, as well as respected and esteemed in public, who had been long chosen into the situation of the first commoner in this country, and had lately been unanimously re-elected to that high station. Was this the person of whom the House of Commons were to say, they would not confide in him, because, at a moment of difficulty (dissembled by none, but exaggerated by some persons who loved to dwell on any topic which gave any thing of a gloom to our affairs), he quitted a situation of the highest authority that a representative of the people could possess, for one of greater trouble and perplexity, and at a moment when hon. gentlemen were holding out the difficulties of the situation to be insuperable? To refuse confidence to such a person in such a situation, appeared to him to be repugnant to common sense and to common justice; and he could not help saying, that he was astonished at what his noble friend and the hon. baronet had said that night on some parts of this subject.

Again he would say, that if he saw a noble lord (Hawkesbury) called to the situation of a secretary of state, he was ready to ask, without the fear of receiving any answer that would disappoint him, whether gentlemen on the other side knew any man who was superior to that noble lord; who for the last ten years had more experience of state affairs, and who had given greater proof of steady attention to public business; of a better understanding; of more information; who possessed in a greater degree all those qualities which go to qualify a man for great affairs? He was ready to ask gentlemen on the other side, if they knew any one among themselves who was superior to his noble friend? Let them give him the answer. He should like to take the opinions of the different individuals on the other side, if it were not a painful thing to put it to their modesty, whether any one among them, except one hon. gentleman (Mr. Fox) whose attendance was of late so rare, that he might almost be considered as a new member—whose transcendant talents, indeed, made him an exception to almost any rule in every thing that required uncommon powers, but whose conduct was also what ought, generally speaking, to be an exception also to the rules which ought to guide the affairs of this country; which conduct had been at variance in some respects from that of almost every other public man, and which, if followed, must have been highly injurious to the true interest of this country;—he repeated it, he knew of no one on the opposite side of the House (except the hon. gentleman he had alluded to, whose experience was as great as his faculties were transcendant), that was more than equal to his noble friend in capacity for business. He did not mean to offer any incivility to gentlemen on the other side; but he did not think that he had offered either of them any disparagement whatever, when he said, that neither of them was more than equal to his noble friend. —Was it necessary for him to say much of the faculties and fitness, in every particular, of a certain noble lord (Eldon)

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who was likely soon to have the custody of the great seal? He was, surely, not new to this country, whose character for legal knowledge, for integrity, and for a cluster of those qualities which fit him for that high office, had been long acknowledged. There was no pledge necessary on behalf of such a character. Of other individuals of the new administration, he could say much; but if he were to indulge his feelings upon this topic, he should be in danger of wearying the House. There was, however, one character of whom he could not forbear speaking. It would occur to the House, that it was not an easy thing to supply the place of the late first lord of the Admiralty, earl Spencer; and yet he should think that the name of earl St. Vincent would appear in a real satisfactory light to the House, even as the successor of the noble earl, or of any other man known to this country; and that the more especially in a period of war, which called for all the exertion of the executive government. Was this appointment not such as to support the hope of this country, that it would come soon to the termination of a contest which we had conducted near to a conclusion—[Hear, hear, from the other side.]—which he trusted we had conducted near to a conclusion. But whether the contest was yet to be long or short, until the object of it were secured, he hoped the spirit of the country would not be impaired, nor in any degree slackened, but exerted with vigour towards bringing it to a termination; or, if we were still to struggle with continued difficulties, he would ask, was not the name of that noble earl a shield and bulwark to the nation? He would therefore say, that gentlemen spoke with but little reflexion, or even consideration, when they said the present administration were not entitled to the confidence of that House, or of the public—he meant, of course, no more than a constitutional confidence. All he contended for was, that unless some good reason were assigned to the contrary, the House was bound, by the best principles of policy, as well as by the true spirit of the constitution of this country, to wait to see the conduct of the ministers of the crown, before they should withhold their confidence. On this subject of confidence, let not gentlemen suppose that a committee on the state of the nation could be of the least use, because nothing that could be there disclosed could give the House more information than the House possessed already on that matter; nor could any thing be done in that committee that could alter the present posture of the executive government, unless the committee should pass a resolution to withdraw its confidence from the present ministers of the crown, and to give it to their opponent (Mr. Fox) and his friends, in order to make them successors to them; which would be a pretty strong measure, and border on an encroachment on the prerogative, besides introducing principles the very reverse of those, which had hitherto invariably had the sanction of parliament. He did not mean to use any opprobrious epithets towards gentlemen on the other side; but he certainly did not say more than was warranted by fact, when he said, that by the constant course of the determination of parliament, the principles of these gentlemen had been reprobated.

Having said this, he would now utter a word or two for his colleagues and for himself. With regard to their quitting their offices, he did not see any mystery about that subject, and he thought he was entitled to rely on the candour of gentlemen on the other side for believing the sincerity of their declarations on the occasion. The hon. gentleman who spoke first, was pleased to say, he would allow that in case of a public measure of importance which a minister found he could not propose with success, or that he was not able to propose as a measure which was assuredly to receive the assistance of those who compose the executive government, and that such a measure a minister could not conscientiously give up or abandon—that such a condition of things would be sufficient to excuse a minister for retiring, and would, indeed, give a minister a right to retire. Now, after that allowance of the hon. gentleman, it was matter of astonishment to him that any doubt could have been entertained by that hon. gentleman on that part of the subject, or that he did not at once admit, that the circumstance which had been sufficiently explained, already had amounted, in the opinion of that hon. gentleman, to a complete justification of himself and others who had retired. He admitted, however, to the hon. gentleman, that if a person who filled an office of important trust under government, had formed the project of proposing some measure which did not appear to him to be of much public im-

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portance, although he had made up his mind upon it, but which he could not carry into effect, seeing clearly, that the bent of the government of which he made a part was against him, then it was the duty of such a minister to forego that opinion, and to sacrifice rather than withdraw his assistance from government in the hour of peril.

It was extremely painful to him to be obliged to say so much, and so long to occupy the attention of the House: but he would observe, that he had lived to very little purpose for the last seventeen years of his life, if it was necessary for him to say, that he had not quitted his situation in order to shrink from its difficulties; for in the whole of that time, he had acted, whether well or ill, it was not for him to say, but certainly in a manner that had no resemblance to shrinking from difficulty. He might say this, if he were to strike the seventeen years out of the account, and refer only to what had taken place within the last two months; and he would venture to allege, that enough had happened within that time to wipe off the idea of his being disposed to shrink from difficulty, or wishing to get rid of any responsibility. What had happened within that period had afforded him an opportunity of showing, in a particular manner, that he was willing to be responsible to any extent which his situation cast upon him: in that particular he had had the good fortune, however unfortunate the cause, to have shown that he was not only a party, but that he was the deepest of all parties in responsibility, in the adoption of a measure the most critical with regard to himself and his colleagues. He was therefore led to say, as to the measure which had induced him to quit his situation, that he did believe the importance of it, and the circumstances by which it was attended, to be such, that while he remained in office he should have been unable to bring it forward in the way, which was likely to be eventually successful; and therefore he judged that he should serve less beneficially the public, as well as the parties more immediately the objects of it, in making the attempt, than in desisting from the measure. His idea of the measure itself was, that it was one which upon the whole had been better adopted than refused under all the circumstances: such was also the idea of those who had acted with him, and they had therefore thought it better that they should quit their offices, than continue under such circumstances in his majesty's service. In doing this, they had acted purely from principle; they had acted in such a manner as had satisfied their own minds, which was to them important; and he hoped they had acted in such a manner as would, one day or other, be perfectly satisfactory to the public, so far as the public should ever think it worth their while to be concerned in his conduct.

The measure to which he alluded, had he proposed it, as at one time he wished, was not one which gentlemen on the other side of the House were likely to look on lightly, although he should have had the good fortune to have their support if he had brought it forward, that is, on one part; but he did not think that he should upon the whole of it, nor did he believe those gentlemen would have favoured the whole of the principle on which he should have proposed the measure. He was not anxious to have the question agitated at all at this moment. I do not think, said Mr. Pitt, that this is a period in which it can be agitated beneficially to the public, or even to those who are more immediately the objects of it, and who are supposed to be so interested in its success; but whenever it is agitated, I shall be ready and I shall be willing to go fully into it, and to give at large my opinion on it. I will say only at present, that as to any thing which I and my colleagues meditated to bring forward, I disclaim the very words in common use, "the emancipation of the Catholics," or, "Catholic emancipation." I have never understood that subject so—I never understood the situation of the Catholics to be such—I do not now understand the situation of the Catholics to be such as that any relief from it could be correctly so described; but I think the few remaining benefits of which they have not yet participated, might have been added safely to the many benefits which have been so bounteously conferred on them in the course of the present reign. I was of opinion, and I am still of opinion, that these benefits, if they had gone before the union, would have been rash and destructive. I was of opinion then,—I am of opinion now, that the very measure I allude to, as a claim of right cannot be maintained; and it is on the ground of liberality alone, and political expedience (and in that sense wisdom, as connected

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with other measures), that I should have thought it desirable, adviseable, and important; but I would not have had it founded on a naked proposition, to repeal any one thing which former policy had deemed expedient for the safety of the church and state. No, Sir, it was a comprehensive and an extensive system which I intended to propose—to relinquish things certainly intended once as a security, which I thought in some respect ineffectual, and which were liable to additional objections, from the very circumstance of the object of the union having been accomplished, and getting other security for the same objects, to have a more consistent and rational security both in church and state, according to the principle, but varying the mode, which the wisdom of our ancestors had adopted to prevent danger. The measure I intended to propose, I think, would give more safety to the church and state, as well as more satisfaction to all classes and all descriptions of the king's subjects, to take away that which no man would wish to remain, provided there could be perfect security without it. The House will, I am sure, forgive me for this part of my address to it.

As to what might be the nature of the measure, I am sure the House will in a moment feel that what I am going to allege will satisfy it, that nothing of this nature could ever be accomplished by having a committee of the whole House on the state of the nation; for, independent of the many things which would be necessary to be done, if such a measure were set on foot, there is one thing which will make it obvious how inefficient for such a purpose a committee on the state of the nation would be. In the first place, that committee would not have any power whatever to interrogate any one member of parliament; and therefore all that part of the speech of the hon. gentleman which tended to connect the committee on the state of the nation with the condition of the Catholics in Ireland, although it might serve the purpose of engaging men's affections for a moment, had, in reality, nothing whatever to do with it; and gentlemen are not such novices in the affairs of parliament, as not to know that they may, whenever they please, move this or any other subject, independent of any other consideration, and that there is no necessity for a committee to inquire into the state of the nation for that purpose. I think, however, that the question with regard to the condition of the Catholics, according to my view of things, cannot be improved by a committee on the state of the nation being brought forward at this time. It will cast no light whatever on any one subject connected with the Catholic question. I am absolutely certain, as little can it throw on the cause, or the propriety or impropriety of our resignation:—this is too obvious to require any argument. How can the committee proceed to the examination of the cause of the resignation of his majesty's ministers, to which some gentlemen, for purposes, perhaps, not very doubtful, have been pleased to attach so much importance? I know of no right which the House of Commons itself, still less a committee, can have to require of any man to state his reasons for tendering his resignation to his sovereign; nor is it a common thing for the public to require it. A man very often, indeed, makes his appeal to the public on going out of office, and that sometimes as much with a wish to be reinstated as any thing; but I never heard of a man being called on to exculpate himself from the charge of resigning. But gentlemen say, that, by our being silent on the subject of the Catholic question, we have brought the name of our sovereign into disrepute; and the hon. gentleman chooses to put a construction on our remaining silent, and then to ask a question, whether the Catholics had or had not been deceived. And upon the obstacles to the measure, as they are stated in a paper of which I shall take notice shortly, the hon. gentleman says, that innumerable obstacles are in the way of the measure. I do not know what paper he took up; I cannot be responsible for it; nor, indeed, for the verbal accuracy of any paper whatever. I believe the word which the hon. gentleman has alluded to was really insuperable, and not innumerable. Upon that subject, all I will say is this:—That although I wished to submit the question of the Catholics to parliament, there were such objections stated as made me feel it impossible, with propriety, to bring the measure forward as a minister. These are the general words I choose to use upon the subject: the hon. gentleman shall draw from me no admissions, and no denials on this subject. He may argue as he pleases from the words I use. [Hear, hear! from the other side.]

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Gentlemen may draw what inference they please.

But I shall say a few words more upon this subject. Gentlemen say, that I left this case in a state in which the name of the sovereign is brought into question; and they appear to be angry, because I will not tell them whether they ought to be angry or not. They wonder why I do not make it a matter of question, and they put distantly some points in the way of question; but I will not answer interrogatories. I will tell those gentlemen, however, that upon this subject they deceive themselves grossly. Should they be able to establish that the opinion of the sovereign made it impossible to bring the subject forward, they would gain nothing by it; for, should the opinion of the sovereign be what it might, or the opinion of his servants what it might; of the sovereign to dispense with the services, or of the servant to tender his resignation, it would still remain the same. Let these gentlemen but once be able to shake this principle, and they will have done more than they will be willing to avow towards the destruction of the monarchy: they will have established the most extravagant part of an oligarchy that ever was erected in any state; for then neither the sovereign could dismiss, nor the subject resign, without an explanation being made to the public. So that the sovereign, the father of his people, could never part from his servants, unless he condescended to show that they gave him bad advice; nor his servants tender their resignation, unless they could prove that something was attempted to be imposed upon them which they could not, in their consciences, approve. Now, I would ask, is that the state, or is it desirable it should be the state, of the monarchy of this country? Certainly it is not. The use of the name of the sovereign for the purpose of influencing opinions in this House, or in any deliberative assembly, is justly deemed unconstitutional. The sovereign exercises his opinion on the sentiments, as well as capacity, of his ministers; and if, upon either he judges them to be incompetent, or in any degree unfit, it is the prerogative, and, with perfect loyalty, let me add, aye the duty, of the crown to dismiss such ministers. Allow me also to say, that if a minister feels, that, from a sense he entertains of his duty, he ought to propose a measure, but is convinced that his endeavours must be ineffectual, so that his services must be limited to a narrower compass than he could desire, and that success, in some material point, is impossible, he ought to be permitted to retire; but, in proportion to the difficulty which the sovereign may have in accepting the resignation of such a minister, ought to be his love for such a sovereign. I hope I am not deficient in my duty to the best of sovereigns; and I hope the whole ground and motive of my actions will continue to be justified during the whole of his reign. This is all I shall say upon this subject, which may perhaps be saying more than I ought.

With respect, however, to the assurances said, or supposed, to have been held out to the Catholics of Ireland, I would add a few words. The hon. gentleman has alluded to a paper circulated in that part of his majesty's dominions. It was a memorandum sent in the name of a noble lord at the head of the executive government of Ireland—a character revered by all who knew him, and whose name I am persuaded will not be profaned, nor mentioned in this country with any disrespect. I know it to be true that the noble lord did feel it right, as a matter of public duty, to make a communication to persons most immediately among the Catholics, and to state the motives which led to the late change that took place in his majesty's councils, in order to prevent any misrepresentation of that subject then adding to the danger of the public tranquillity. I beg to state that matter clearly and distinctly; it was my express desire, not conveyed by myself, but through a noble friend of mine sitting near me (lord Castlereagh) that the noble lord should take the opportunity of doing this. I do not arrogate any merit for it; but I think it is an answer to any charge against us upon this subject for remissness, that we lost no time in making that representation and explanation of our motives; and the principle of it was this, that the attempt to realize our wishes at this time would only be productive of public embarrassment. The representation was therefore made; but with respect to the particular paper delivered, it was not previously consulted with me how it should be perused, and therefore, for the particular phrases of it I do not hold myself responsible. All the knowledge I derived or conveyed was founded on verbal interpretation. As to the tenor of the paper that I have alluded to, the

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sentiments in it are conformable to those which I have already expressed in this House, and shall again express whenever I have occasion to deliver my sentiments on that subject; and it is fit, not only that this House should know them, but also that the community at large should know them. —I mean this: that a measure of that sort appeared to me to be of much importance under all the circumstances; and that being unable to bring it forward as a measure of government, I thought I could not therefore in honour remain in the situation in which I then stood; and that I was desirous of letting it also be understood, that whenever the objection I alluded to did not exist, the same obstacle did not interpose, every thing depending on me, as well as those who thought with me, I should do, for that I was desirous, of carrying that measure, thinking it of great importance to the empire at large; but that, in the mean time, if any attempt to press it, so as to endanger the public tranquillity, should be made, or to pervert the affection of any part of his majesty's subjects, we should take our full share in resisting such attempts, and that we should do so with firmness and resolution. These are the sentiments which I expressed, and I did hope that the day would come when, on the part of the Catholics, should such a measure be revived, it would be carried in the only way in which I wished to see it carried, which was certainly conformable to the general tranquillity of the empire. As to any other pledge, I beg leave to give none—I am engaged myself to give none—I will give none—either now or at any time. I have contributed, as far as peaceable endeavours could go, according to my judgment, in the best manner I could at the moment for the general interests of the country.

This is all I shall say on this part of the subject, and I am ashamed to have been obliged to trouble the House so much as I have done, especially as another branch of it remains, and on which I must still say a few words—it relates to a question, whether any of those who have retired from office, had so pledged themselves to the Catholics as to be under the necessity of resigning their offices because they could not perform their pledge? I beg leave to deny that; and, what is more satisfactory, I believe I am authorized in denying that the Catholics conceived themselves to have received any such pledge. I know that the noble lord to whom I have alluded, and my noble friend near me, who must have been a party to such transaction, if any such had passed, did not so convey to me. I do not now, nor ever did, so conceive it. That the Catholics might have conceived such an expectation is most natural.—Why? Because the more attentively I have reflected on it, especially after the union, the measure has appeared to me to be salutary and expedient; and I can have no reason to think that they were less sanguine in their expectations on that subject than I was. That they thought there was a very probable chance for the measure, is most certain; for I believe there was no one in this House, nor, I believe, in the other House of parliament who, in argument, has attempted to deny that the difficulties would be considerably diminished on this subject, after the measure of the union was accomplished: I was of that opinion when this subject was debated—I am of that opinion still—and the reasons in favour of it do very much preponderate; this, however, was afterwards given up on motives of expediency. An expectation in favour of this measure there was; but a pledge, I do now distinctly state, there was none.

Having said thus much on the change of his majesty's ministers, and the measure of extending the remaining privileges to the Catholics of Ireland, I shall not trouble the House, after the able and convincing statements of my right hon. friend, with any arguments as to the cause and progress of the war, which have been the subject of repeated votes in this House. But, if it were necessary, I could enter into a recapitulation of the same arguments used on the other side of the House, with a repetition of the same answers, and with a new force. I shall, however, say a few words with respect to the general plan of the war. That in the origin of the contest, the re-establishment of royalty in France was desirable in itself, I do not attempt to deny; for, that end accomplished would have necessarily restored tranquillity to Europe; but I have never yet stated that its re-establishment was the *sine qua non* of peace. I may class the objects of the war under three different heads. The first was the restoration of royalty, and consequently the restoration of peace; the next was the security of internal tranquillity, and the suppression of destructive and anar-

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chical principles; and the third was, the preservation of the national independence and prosperity. If we have failed in one of these objects, we have most completely accomplished the others; and it is no inconsiderable consolation to us, that we have at this moment, in the wreck of surrounding nations, the glory and satisfaction of maintaining the dignity and happiness of the country. We have kept our resources entire, our honour unimpaired, our integrity inviolate, amid all the discordant elements of jarring confederacies; while those states which did not act in unison with the manly protection which we afforded to their wants and prayers, became the victims of the common enemy. We have not lost, in the midst of all the dreadful convulsions which have devastated Europe, a single foot of territory; and we have given to the rest of the world many chances of salvation. These, Sir, were the general objects of the war; and the details of our operations and successes have been so amply enumerated by my right hon. friend, as to render any comment or observation from me unnecessary.

I have only one word to say on the state of the finances, as a charge has been thrown out, that it has been a war of unexampled profusion. If on this head any specific charge be made, I can only say that I shall be at all times ready to meet it. I can, however, say, that I have at least the merit of rendering the system more plain than on any former occasion, even when the sums necessary to provide for the exigencies of the public service did not amount to one tenth of the present disbursements. That consideration, however, wants no committee on the state of the nation. It is a fair comparison made between the expenses of the present war, and that which preceded it; and it is considered at the same time, that the last war was one carried on and conducted by regular means, and with accustomed method, and that the present is with a country which stakes its capital in the contest, which, unable to support the warfare with any regular revenue, is compelled to make an inroad upon its stock, and diminish the very source of revenue; and it will be found that the present war has been conducted with unexampled economy and frugality. That an universal pressure has been produced, bearing upon all orders of the people, cannot be denied; but the fact of economical expenditure during the present war must at the same time be admitted. I wish not to go deeply into the subject; but if gentlemen will look at the state of the revenue, excluding the taxes imposed during the present contest, and taking only the taxes which existed at the conclusion of the last peace, they will find that, allowing for some deficiency upon beer and malt, those permanent taxes have increased in produce about 4,000,000*l.* per annum since the period of that peace. They will also find, that, if they look a little further, the taxes appropriated to the sinking fund now produce little less than 5,000,000*l.* per annum, making together the sum of 9,000,000*l.* by which the amount of the permanent revenue has been increased since the conclusion of the last peace—a sum which is within 10,000,000*l.* of the amount of the interest of all the sums borrowed during the nine years that the war has unfortunately continued; that the expenditure of the present has been very considerably less than in all other former wars, cannot for a moment be disputed. The knowledge of this fact is, I hope, sufficient to operate as some antidote to that despondency which might be derived from a general mention of these topics without bringing them to the test of particular detail. This information is surely competent to annihilate all the alarm of lavish expenditure, and ruinous expenditure, which are so frequently sounded, and from which I know of no benefit that can ensue, but only that species of despondency, the tendency of which is immediately to impair the energy of the country, and rob it of half its vigour.

Late as the hour is, I must advert to one other topic, on which I think it necessary to make some observations, although I shall decline all minute investigation; I mean the subject of neutral laws and neutral nations, respecting which gentlemen on the other side seem so much inclined to impute rashness, precipitancy, and impolicy to his majesty's late ministers. They speak as if the blow was already struck, or had been inevitably decided on; but no man can say that all hopes of pacification with the northern powers are wholly excluded. It was the earnest wish of those ministers, that the extremity of war might be avoided; at the same time they were prepared for both;—either to commence a war with vigour and energy, in defence of the dearest rights and inter-

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ests of the country, or finally to settle the question in dispute on terms consistent with the honour and dignity of the country. Were his majesty's ministers tamely to suffer the county to he borne down by the hostility of the northern powers, or were they quietly to allow those powers to abuse and kick it out of its right? They wished to bring the question to a prompt decision, whilst at the same time they rendered the fall smooth for pacific negotiation:—[Here Mr. Pitt went over the grounds of the question relative to neutral bottoms, denying that free bottoms make free goods; contending that contraband of war ought to include naval as well as military stores; maintaining that ports ought to be considered in a state of blockade when it was unsafe for vessels to enter them, although the ports were not actually blocked up; and denying the right of convoy to preclude neutral ships from being searched. In support of these opinions, he quoted the decisions of courts of law, and treaties entered into between this country and various other powers, in which he contended the rights now claimed by this country had been expressly acknowledged. He then proceeded as follows:]—It was during the short time, Sir, that the hon. gentleman (Mr. Fox) filled the office of secretary of state, who, from the greatness of his genius, might have been led to those bold attempts which by common minds would be denominated rashness—it was during that short period that he advised his majesty to cede these rights in behalf of the empress of Russia, for the purpose of purchasing her friendship, and preventing that sovereign from joining France, with whom we were then at war. How far this was good policy I will not now pretend to discuss; but in this, as in every other cession of the same nature, it is plain the right rested in this country, since it could not give what it did not possess; it was ceded as a matter of favour, not given up as a matter of right. Let it, however, be granted, that it was an act of sound policy to make that cession to Russia, that it was so at that time when our naval inferiority was too unfortunately conspicuous—when we were at war with France, with Spain, and with Holland, and when the addition of Russian hostility might have been a serious evil; does it follow that at the present moment, when the fleets of all the northern powers combined with those of France and Spain, and of Holland, would be unequal to a contest with the great and superior naval power of England—does it follow, that we are to sacrifice the maritime greatness of Britain at the shrine of Russia? Shall we allow entire freedom to the trade of France?—shall we suffer that country to send out her 12,000,000 of exports, and receive her imports in return to enlarge private capital, and increase the public stock?—shall we allow her to receive naval stores undisturbed, and to rebuild and refit that navy which the valour of our seamen has destroyed; shall we voluntarily give up our maritime consequence, and expose ourselves to scorn, to derision, and contempt? No man can deplore more than I do the loss of human blood—the calamities and the distresses of war; but will you silently stand by, and acknowledge these monstrous and unheard-of principles of neutrality, ensure your enemy against the effects of your hostility? Four nations have leagued to produce a new code of maritime laws, in defiance of the established law of nations, and in defiance of the most solemn treaties and engagements, which they endeavour arbitrarily to force upon Europe; what is this but the same Jacobin principle which proclaimed the rights of man, which produced the French revolution, which generated the wildest anarchy, and spread horror and devastation through that unfortunate country? Whatever shape it assumes, it is a violation of public faith, it is a violation of the rights of England, and imperiously calls upon Englishmen to resist it even to the last shilling and the last drop of blood, rather than tamely submit to degrading concession, or meanly yield the rights of the country to shameful usurpation.

Mr. *Fox* rose and said:—Sir, late as the hour is, I shall beg leave, even under the designation of "a new member," by which the right hon. gentleman has complimented me, to avail myself of the indulgence which the House usually shows to a person of that description; and, unwilling as I am to trespass long upon your attention, it will be difficult to dismiss very shortly the whole of the arguments that apply to the question before the House: especially after the confused state in which the right hon. gentleman's speech has left the real matters at issue, and that laborious complication which renders it not an easy task to methodise a reply, or put one's argument into plain and

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distinct order. First, I shall take the liberty of adverting to that part of the right hon. gentleman's speech (certainly not the most solid or splendid part of it) which relates personally to myself: and of which the introduction, upon the present occasion, is, a decisive proof how bereft of real defence the right hon. gentleman must feel himself, when he is driven to the expedient of reviving a circumstance which has but little analogy to the point before you; and which, when explained and understood, will lend not the least sanction or support to the system of his majesty's late ministers, respecting the question between this country and the northern powers. I certainly did, in my capacity of secretary of state, offer, by his majesty's command, to the empress of Russia, in the year 1782, the recognition of the principle in question, for the purpose of inducing that princess to enter into a closer alliance with this country. In rejecting the insinuation of this proposal being my sole act, let me not be understood to shrink from that measure as "rash and inconsiderate:" on the contrary, I affirm that it was most wise, timely, and judicious; but for the sake of truth, let it be remembered, that the measure which it fell officially to my lot to propose to the court of Russia, at the time alluded to, was of course the measure of the king's whole council; which council consisted of some of the greatest names in the country, such as the marquis of Rockingham, lord John Cavendish, the duke of Richmond, the marquis of Lansdowne, lord Keppel, &c. &c. It was, in a word, the act of an administration which has been the least censured, and the most praised, of any that have existed during the king's reign.

The right hon. gentleman challenges any person to discuss the question with the neutral powers, as "a statesman or a lawyer." Now, though I can venture to touch the matter only in the first of these characters, I can assure the House that the concession, whatever it was, of the ministry, which I offered as our joint act to the empress of Russia in the year 1782, had the concurrence of as great lawyers as ever distinguished this country at any one period; for whatever may have been the other defects of that short administration, in it there certainly was no want of eminent lawyers. No less than three of the luminaries of that profession, namely, lords Ashburton, Camden, and Thurlow, were members of that cabinet; and far enough from thinking that the offer then made to the Russian court, "laid at the feet of that government, all the sources of the naval greatness of this country," to repeat the rant of the right hon. gentleman, these learned and noble persons, together with the whole body of that administration, were profoundly convinced, not that what we offered was slight and trifling, but that important as it was, it would have been highly to the advantage of this country that our proposal had been adopted by the government of Russia.—In making this offer, I was so far from being mysterious,—so little apprehension did we feel that our proposition to Russia would involve our country in any of the perils from other powers which the fatuity of the right hon. gentleman's ministry has brought upon it, that, instead of sending through the more usual channel of our ambassador at that court, who, if I mistake not, was lord Malmesbury, I applied here directly to M. Simolin, the Russian minister at this court, and with him endeavoured to accomplish the negotiation. To him I offered a *quid pro quo;* and meant to give nothing without getting a full equivalent. I wished to separate Russia entirely from any connexions injurious to Great Britain, and to attach that power solidly and permanently to this country. The right hon. gentleman has dwelt with some satisfaction upon the expressions of my letter to M. Simolin. He has the advantage over me, of having lately read that letter in the office, and seems, strangely enough, to think that he derives some pretext for his own policy, in my description of the magnitude of our proposed concessions in 1782. Why, what would the right hon. gentleman, or any other man, think of me, if I wrote otherwise than he states me to have written upon that occasion? If he were negociating with France about the surrender of Belgium, the retention of which he had so lately made a *sine quâ non*, would he begin by understating the extent, fertility, and population of those provinces? I, of course, did not begin by depreciating to the government of Russia the very boon I was tendering as an inducement to a great and beneficial alliance.

The right hon. gentleman rejoices in the failure of that negotiation, in as much as its success would have enabled Russia to protect the commerce of France, and

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been the means of preventing this country from annihilating it, in the present war. What! Russia assist the commerce of France? Russia! the loudest in thundering its maledictions against the French revolution—the first to profess its zeal in the crusade?—the very power who formally waved this neutral principle, declaring that all general principles should yield to the superior object of overthrowing "regicide republicanism," and every thing else with which the royal coalition had stigmatised the French in this war? As to the destruction of the French trade, is it certain that all the efforts of all the combined powers, or any possible effect arising from the most successful assertion of what the government of England is now contending for, have hurt the commerce of France so much as its own disorganization of all kinds upon that subject since the period of the revolution? I believe not. Besides, do you set down for nothing the captures made by your own fleets? In a word, the right hon. gentleman will find nothing in the measure, to which he has alluded with so ludicrous a triumph to countenance the system he has pursued towards the northern powers—to the consideration of which I shall now proceed, having said this much in relation to what the right hon. gentleman has directed so personally at myself.

The question with the northern powers has been divided by the right hon. gentleman into five parts. These five I shall reduce into three; namely, free bottoms making free goods—The contraband of war—The right of search under convoy. These three heads (comprehending the collateral and dependent questions of blockade, and the carrying of the coasting and colonial trade of belligerents, by abuse of the first and third proposition) form the essence of the present dispute with the northern powers, and which, in common acceptation is called "the neutral principle."

Whether this neutral principle be Jacobinical or not, its origin is certainly of more antiquity than the French revolution, being as old as the middle of the last century, and having for its patron and propounder no less a republican than Frederick the Great. That prince was undoubtedly a philosopher, and by some deemed not quite orthodox in his theology. This neutral principle might therefore with as much reason be called deistical as Jacobinical; and if the right hon. gentleman had now been in as high favour with the church as in past times, possibly he might get this point, for which the powers of the north are contending, branded with some such epithet by ecclesiastical authority; in the same manner as, towards the end of the seventeenth century, the university of Oxford declared, that the principles which led to the assertion and conservation of the British constitution, and which seated the present royal family upon the throne of England, were "doctrines tending to atheism." The one imputation is as just as the other; and Jacobinism applies with exactly as much truth to the neutral question, as atheism to the principles of the English revolution. In reality, Sir, the right hon. gentleman's indiscriminate cry of Jacobin! Jacobin! to every thing and person that he dislikes, has brought utter contempt upon his continual cant. He has worn it out; and all the terrors he would conjure up from it are become an absolute bugbear. With far more grace and likelihood might this term "Jacobin" be retorted upon himself, and several indeed of his own measures,—of which one of the most recent might, perhaps, in the judgment of many (though I am not disposed so to describe it), be considered as strictly such: I mean the right hon. gentleman's late communication to the catholics of Ireland, upon the event of his resignation.

The next assertor of this neutral question was that implacable zealot in Jacobinical faith, that virulent propagator of revolutionary doctrines, the late empress of Russia; who in the year 1780 and 1781, entered, with all the other northern powers into a confederacy, differing, I apprehend, in nothing from that which the right hon. gentleman has stigmatised so copiously this night; except, as I understand, by some additional precautions in the recent league. Now, would any body believe that this right hon. gentleman, in his capacity of cabinet-minister, should, in less than two years after that confederacy was formed, avail himself of the mediation of those very powers between this country and its enemies, and that preliminaries of peace (negotiated by an administration of which he himself was a part) should be actually signed under the auspices of that very empress of Russia, the grand authoress of what he now calls "Jacobinical revolu-

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tionary principles, violative of treaties, subversive of the law of nations, starting a code of new and monstrous maxims," and all the other strong abuse which, in the prodigality of his invectives, he has passed upon this new alliance—a mere facsimile of the old? and, after all, what does this prove, but that the right hon. gentleman's obloquies now are of just as much value as his encomiums last year upon the "magnanimity" of some of these very powers,—both the one and the other being mere noise, and signifying nothing? However, Sir, regarding the first formation of this confederacy in the year 1780 and 1781, the right hon. gentleman says, that this court, though too weak to resist it by force, never admitted the principle of that confederacy; and that lord Stormont protested against it.

Here let me remark, that the opposition of that day, like this of the present, had their cant reproaches vented by the supporters of the one administration as well as the other. How could we be always right, they said, who always opposed the right and the wrong?—or if we concurred, then it was "a fit of candour." The truth, Sir, is, that neither did we then, nor do we now complain, but from a full conviction that we had just cause. Even the right hon. gentleman has had our votes when we conscientiously felt that we could agree with him; and notwithstanding all the heat of party at the period of the American war alluded to, not a breath of blame did we throw upon the ministers of those days for their discreet and measured conduct respecting the confederacy at that period formed by the neutral powers. In that "fit of candour," if such it was, the right hon. gentleman himself was with us; but he is now quite sure that what he then thought good sense and good management was owing to weakness. In nothing were the right hon. gentleman and myself more of one mind, than in general censure of that administration: against their conduct, in this case, however, we murmured not one word; for, without conceding any necessary point, we thought their discretion, in that instance, saved this country from a war with the northern powers; and our naval history since that period, vouches that their caution did not sacrifice the sources of our maritime greatness. That government did not revolt the feelings of Europe by sending its fleets to a feeble power, to carry by force what it might obtain by argument; nor did it follow the example of capricious despotism, in laying embargoes upon Danish and Swedish property in British ports. These improvements in diplomacy, these encouragements to commerce were reserved for the right hon. gentleman.

Now, with regard to the first of the three branches into which I have divided the heads of my argument, I have no hesitation in saying, that, as a general proposition, "free bottoms do not make free goods;" and that, as an axiom, it is supported neither by the law of nations nor of common sense. The law of nations is but a body of regulations founded upon equal justice, and applying equally to all nations for the common interest of all. If a state of war did not involve its own inconveniences, the temptations to war would be endless, and might keep nations in perpetual misery. It is, therefore, for the general advantage, that belligerents should feel the injuries of abridged and restricted trade, because it is an inducement to peace; and if, on the other hand, the commerce of a power at war, as well as the materials of offence, could be legally carried on by a neutral, the benefit of maritime preponderance would be wholly lost—a thing as much at variance with common sense, as it would be repugnant to reason, that mere naval superiority should despise every rule of relative justice, and by bare-faced power, make its own will the law of the ocean.

The only difficulty would be, which to condemn as most monstrous, a neutral, pretending to the right of supplying one belligerent with all the means of mischief to another; or a belligerent, insisting upon a universal right of search in all cases, and making innocent commerce the sport of its whim, in express contempt of specific regulation. It is between these extremes, that the general interest of the commonwealth of nations finds the true medium; as the numberless treaties between the different states of Europe sufficiently demonstrate. From these treaties the most general inference is for the general freedom of commerce; but every one of them contains exceptions to, and qualifications of this principle; which, though general, is not universal. So much with regard to free bottoms making free goods: which, however is not the question at issue between this court and the neutral powers; because, if it were, it would exclude all consideration of the two other

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heads of this discussion; namely, "the contraband of war," (a point not disputed, as I understand, by the northern powers), and "the right of search," which, undercertain limitations is expressly recognized.

The contraband of war is the mere creature of convention; the very articles which are declared contraband with one power being innocent commerce with another. This point, thus varying and contradictory, the right hon. gentleman would reduce into something wonderfully simple. Instead of resting it upon the specific text of a treaty, he would make it depend solely upon the will of the strongest. He knows far better than they who negociated them what the treaties meant. Thus, if naval materials were defined as lawful commerce, in some treaties, the right hon. gentleman says they were not prohibited as contraband, only because the contracting nation at that time did not trade in such articles. So, too, if in the treaty with Holland of 1674 "hemp, flax, and pitch; ropes, sails, and anchors; masts, planks, boards, beams of what sort of wood soever, and all other materials for building or repairing ships," are, in the very words of the treaty, declared to be "wholly free goods, wares, and commodities," as expressly contradistinguished from contraband, the right hon. gentleman gives you two unanswerable reasons why you should hold these treaties as nothing in this discussion; first, says he, because it was not then foreseen that such things could be implements of war; secondly, or if it had been foreseen, the exclusion of such articles from contraband, in favour of the Dutch, does not affect the general principle, in as much as the Dutch were likely to be always allies of this country, or at least friendly. And the first of these powerful arguments he strengthens by a very fine hypothesis:—"suppose," adds the right hon. gentleman, "gunpowder had been invented subsequent to any treaty in which it was not declared to be contraband, what sort of a minister would he be who would admit a neutral power to assist his enemy with gunpowder, merely because it happened not to have been discovered when the contraband of war had been settled with such neutral?" Excellent illustration! Why, Sir, in such a case we should have all said the same thing; but how contemptible is it to imply the present to be such a case! What an honour to the close of the eighteenth century to have found out, not exactly the invention of gunpowder, but that hemp, pitch, ropes, sails, anchors, and masts, are become implements of war, which they were not in 1654 and in 1674! What a miraculous talent of expounding treaties must not that right hon. gentleman be gifted with, who would make those articles contraband to the rest of the world which were declared free to the Dutch, because it was considered certain, in 1674, that the Dutch must be always allies or friends of England!—even the Dutch, who, within only twenty years before this treaty, waged three of the bloodiest wars with this country that it ever before sustained with any naval enemy! Are the names of de Ruyter and van Tromp so forgotten, in 1674, that is to say, two years after the cessation of war with Holland, that the hostility of their country to this may not be as likely as its friendship? And might not the glories of these celebrated men afford some distant guess, that "hemp, pitch, ropes, sails, anchors, and masts," were in their life-time implements of war?—Why, Sir, can there be a clearer proof what the right hon. gentleman thinks of this House, than his offering such an argument as this, in palliation of this new war, which his wantonness and want of the commonest discretion has brought upon the country.

From the words which I have quoted, you see that these concessions were made to Holland in the treaty of 1674. Nobody can be ignorant how that country availed itself of all its privileges, either of natural right or of treaty, during the seven years' war, as well as during that which was terminated at Aix-la-Chapelle. Throughout these wars, Holland carried every neutral right to its utmost extent of exertion. Did all this exertion disable this country from crippling the marine of France during these contests? And if this concession, to so industrious a race as the Dutch, the general carriers of Europe, produced neither facilities to France nor injury to us, let me ask, if there be a prudent man on earth who would have provoked extremities with Russia, a power that has scarcely any carrying trade whatever, about a point which, in the hands of the Dutch was absolutely nugatory as to all those dangers which the propensity to this war has discovered and magnified?

But the right hon. gentleman flatters

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himself that he has found out something auspicious to his cause, in recollecting that I condemned, at the time of the French commercial treaty in 1787, your granting this very point to France. What a cause of triumph for the hon. gentleman! That I censured, as most undoubtedly I did, the cession of a principle to a country which the experience of ages proved to be a kind of natural enemy in all your wars, which you denied to one that scarcely ever was against you, and which every maxim of honest English policy should prompt you to cultivate as a sort of natural friend. I dreaded not so much the direct as the indirect use that France might make of such a distinction in her favour; and I objected to, and reprobated your yielding that to Louis 16th, which you peremptorily refused to Catharine 2nd. If I understand what it is to be right and consistent, I was so in my discrimination upon this point, in that discussion; and I am ignorant of the meaning of words, if the hon. gentleman's animadversion this night be not as weak, trifling, and fallacious, as were his original arguments at the time he made this surrender.

So much, then, as to the two first branches of this question with the neutral powers. With respect to the third point, the right of search—that, under sound and discreet limitations, is certainly a right of belligerents; but, pushed to extremity, it becomes, like many other rights a gross wrong. The right of search, as on the one hand it does not rest merely on unwritten law, so neither on the other is it a matter to be arbitrarily exercised. The thing, as well as the manner is defined by strict stipulation. As to the claim of convoy, beyond all doubt, if the privilege of convoy were abused in protecting the trade of our enemy, that would be a very fit subject of representation. As far as we are acquainted with the precautions intended by the northern powers, they seem to have been fully aware of such a possible fraud; and there is nothing of this sort which, in my opinion, remonstrance and reason were not capable of settling. Even the presence of convoy would not prevent search, and justifiably too, in what the treaties call "cases of lawful suspicion." But after all, your final satisfaction may as well depend upon the convoy as the ship's documents. A sound discretion will be influenced by the nature of the case. It is not "search upon lawful or urgent suspicion," so well provided for in different treaties, that makes any part of the question; it is the unqualified assumption of a universal right to search in all possible cases: or, in other words, subjecting the commerce of the world to vexatious and insulting interruptions and inquiries, without stint or distinction. This is the grievance; and, to judge of its justice, I ask, would you endure such treatment yourselves from any state upon earth? There is no principle by which you can so well attain the knowledge of relative justice, as by putting yourself in the place of another, and deciding upon another by yourself. The extent of what you contend for would, if retaliated, lay at the discretion of any petty power, not only all the free course of your trade, but also the proud spirit and the high feeling which so naturally belong to your naval ascendancy. Suppose the king of Spain at war with Algiers. If one case can be imagined more likely than another to reconcile you to this humiliation, it would be, I suppose, in favour of a christian king of Spain, contending with pirates, and robbers, and infidel barbarians. A British fleet of merchantmen, in the lawful pursuits of trade to your own islands, for instance, of Minorca or Malta, or destined to any other of the Mediterranean ports, though convoyed by a squadron of English men of war, would, according to these arguments be liable to be stopped, ransacked, teased, and insulted by the meanest cutter in the Spanish navy. Such would be the fate to which your own maxims would expose you, unless you frankly acknowledge that you have one measure for yourselves, and another for the rest of the world. Whatever the shifting gale of luck and fortune may suggest to feeble minds, be assured that justice is the best policy, and the soundest principle.

Notwithstanding all the phlegm with which the right hon. gentleman has stigmatised the three maritime states in this northern confederacy, not one word has he uttered, as my hon. friend has well observed, against the king of Prussia, one of the most strenuous parties in this league. If the genius of the right honourable gentleman's government were yet to be truly characterised, his conduct in respect to this prince puts it in the most glaring colours. Not only all the wrong that may, in the opinion of many

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people, clog the question, but that which is the very pith and marrow of the whole dispute, the right hon. gentleman has, by the restoration of the capture in the Texel, given up to the king of Prussia. Why? Because, safe from the attacks of the British navy, the king of Prussia has the means of injury in his turn. What does all this demonstrate, but that the right hon. gentleman is ready to give up every thing to force and nothing to reason. Instead of sparing the feeble, and pulling down the proud, he bows down to the mighty, and tramples upon the weak. With Denmark, vulnerable at all points, the right hon. gentleman will not even confer without a British fleet, but every thing is made a peace offering to the king of Prussia.

My hon. friend has truly and wisely said, that he was not called upon to discuss the question in dispute as a general principle. Certainly not;—the bringing it to the present issue is the very perfection of impolicy. "What!" answers the right hon. gentleman, "were we to give that up which lord Stormont protested against in the year 1780?" Who wanted him to give it up? Where lay the necessity of either admitting or rejecting it? A cautious line of conduct had saved the question from public discussion, and Europe from this new war. The greatest naval success cannot obtain more real advantage for you than you might have derived from prudence—whilst failure, if you fail, would make your disgrace ten-fold. Granting you all that you look to from arms, are you a bit nearer your object? Suppose you separate Denmark from this confederacy—humbled to the earth, admitting that she apologise for her conduct, is the pretension, therefore, at rest for ever? Do what you will, the claim will not be extinguished by the submission, but will revive with the means of enforcing it.

Upon the whole of this business, what is the obvious inference, but that those who fancy some strange interest in this dreadful trade of war.—Seeing Jacobinism, and all their other pretexts for its duration, grown stale and disgusting—have manœuvered to associate with the national enthusiasm in favour of its navy, a point in which its real interests are but little involved; have endeavoured to draw from the public predilection for that service, so natural and so well deserved, perhaps the means of advancing some new plan or speculation in no way connected, as upon former occasions, with the professed object. Foes or neutrals, what is so probable or so plausible to be urged, by Jacobins and others, as that these honourable gentlemen, who have no character for pacification, and have yet just as much as their conduct merits, have fallen, as it were, upon this lucky question in good time to rouse the expiring energies of the country into new offers of lives and fortunes, for an object that may seem nearer and dearer to them than the further prolongation of the war with France—the great success of which its late conductor has, this night, so minutely detailed to you.

Now, Sir, let us proceed to consider this success. The right hon. gentleman (Mr. Dundas) resists the motion, this night, in a way which, though not wholly new from the same quarter, brings, with every repetition of the same argument some fresh cause for astonishment. The assertion, that this war has been successful, is not made now by that right hon. gentleman for the first time, it is true; but then his recurrence to former, frequently urged, and as frequently refuted, reasonings, is compensated by something, quite untouched in past discussions. It now seems, that this war was undertaken for the purpose of "conquering the colonies and destroying the commerce of France." The restoration of monarchy—the overthrow of Jacobin principles—the abasement of France and confining her to her ancient limits—the balance of power—the cause of law, order, and our holy religion—all these are gone by; and the splendid reveries, that were soothed by such contemplations, are fallen, alas! and sunk down to the capture of ships and of tropical settlements. In this view of things the right hon. gentleman ventures to compare the success of the present with that of the seven years war, and finds great consolation in discovering, that even in that glorious contention there had been some reverses—alluding particularly to Minorca and to Rochefort. With some portion of triumph he refers to these misfortunes, and applies his discovery, in rather a singular manner, as an argument to the present question; for he gives you this piece of history as a reason against going into any inquiry regarding the failures of the present war.

Most unluckily for the right hon. gen-

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tleman, the very misfortunes to which he has adverted were instantly followed by inquiries in this House. It has been reserved for the present war, though the most disgraceful in its external, and the most wretched in its domestic consequences, of any that this country ever waged, to be the only war in which this House never saw any grounds for retrospect or revision. All the collected calamities of all their predecessors, for ages, do not equal, either in kind or number, the exploits, during the present war, of the administration just retired from office; yet they are the only men ever possessed of the powers of government in this country, who never even in a single instance yielded to any inquiry, upon any part of the innumerable disgraces that have marked the last nine years. So unlucky is the right hon. gentleman in the case of Minorca, that every thing respecting that business makes directly against him. To whatever cause the loss of that island may be attributable, this House immediately inquired into the cause. A person for whose memory certainly I have the deepest gratitude and love (lord Holland was secretary of state in 1755), then one of the king's ministers, far from resisting, as the right hon. gentleman resists, was the most eager in insisting upon inquiry. Unlike the present times, the House of Commons then had not been tutored into that confidence in ministers which distinguishes later periods; and the parliamentary inquiries that followed the failures to which the right hon. gentleman alluded, so far from embarrassing the operations of government, or unnerving the martial energies of the country, (those stale objections to the approved and happy practice of our ancestors), were succeeded by a series of unexampled successes. Such is the hon. gentleman's luck in his historical references.

Not one word that I have ever uttered, or that ever came out of the lips of any friend of mine on this side of the House, has tended, even in the most distant degree, to slur or underrate the achievements of our fleets; and I will leave the House to judge whether any persons in it, or out of it, have dwelt with more rapture upon the triumphs of that branch of the service than we have done. From this, however, the right hon. gentleman strives to draw a defence of a nature truly singular. He endeavours to intermingle with the glories of the navy the absurdities of his own expeditions, and asks, "How the military plans can be all folly, the naval all wisdom, both being advised by the same heads?" The question answers itself. It is in the nature of naval tactics, that a great deal depends upon the officers and men, upon wind and weather; in land operations a good plan is almost every thing. Yet the merit of the Admiralty is indisputable. It, is true, there are parts of the administration of earl Spencer (for whom my personal respect is considerable), not free from blame, particularly what related to the invasion of Ireland; but where the general system has been judicious and prosperous, it would be invidious to dwell upon a few errors. The right hon. gentleman would incorporate these two services, and is ready to take his share in the blame of the Admiralty, generously commuting the glories of his own department for their miscarriages. Sir, every presumption is in favour of the Admiralty every proof against him. Nobody asks about the merit of the Admiralty. It speaks for itself. And equally obvious is the true character of the right hon gentleman's department. If all his expeditions have been marked with discomfiture and disgrace; if the failure of some is aggravated by circumstances too painful to touch upon; if such armies, with the courage they are known to possess, have produced only such effects—the inference is glaring. It is but to name the enterprizes—and the information, the skill, the vigour, and the ability of those who planned them, are as plain as demonstration can make them. No man will ever inquire about the wisdom that projected the expeditions to Quiberon, to Flanders, to St. Domingo, to Holland, to Ferrol, to Cadiz. These things are past all curiosity.

The right hon. gentleman has another way of reconciling this House to his disasters. With a precision that is quite ludicrous, and a gravity of face which unless he were certain of his audience, would excite a suspicion that he was mocking the House, he gives us the dates, to an hour, of the days on which his expeditions sailed, when they landed, retreated, or capitulated; sometimes it is the wind, sometimes the rain, and sometimes the frost, the snow, the cold, the heat; now it is too early, and then it is too late;—and to this notable narrative the House listens, without once saying,

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"Tell us of a single military enterprize in which you have succeeded; and if you cannot, give us some better reason than your own words to believe that you are blameless. Let us inquire into the facts, and judge for ourselves." The right hon. gentleman, with this mass of defeats before his eyes, has the hardihood to talk of the success of this war; and thinks the enumeration of islands and settlements, and a schedule of captured ships and frigates, will so blind the eyes and confound the understandings of men, as to divert them from the only proper consideration, the only rational test of comparative success, namely, the relative situation of the two countries in point of power.

Of the word "diversion," the right hon. gentleman gives us, indeed a very curious illustration. Up to this moment, I believe no man ever understood any thing else by military diversion, but the drawing off, by means of a few, a larger number of your enemy, who might hurt you more in another quarter. The expedition to Holland, he tells us, had three objects in view—the capture of the fleet—giving the Dutch an opportunity of shaking off the yoke of France—and making a diversion for our allies in Italy and on the Rhine. He asks, "Is it nothing to have ten ships of the line added to our own navy, which otherwise would at this moment be a means of annoying us in the hands of our enemy?" Sir, in this, as in every other instance, the English navy did the duty assigned to it nobly; and if the capture of the Dutch fleet was a primary object of that memorable expedition, that object was accomplished without any necessity of hazarding any land experiments under the right hon. gentleman's auspices; for, in point of fact, the fleet revolted and surrendered before the landing on the Helder-point. With respect to the second object, namely, giving the Dutch an opportunity of shaking off the yoke of France, with what horror they received your proffered release from their bondage, and the execration with which they load your name, it is unnecessary to state. But in the third and grand point, that of a diversion in favour of our allies, there we did wonders. If Europe were searched, not a place could be found so well calculated for enabling a smaller to combat, a larger army as this selected spot. To this fatal neck of land did that right hon. gentleman devote 30,000 British soldiers, and so signal was the benefit to our allies of this precious diversion, that about the very time that the English army was making that respectable retreat, the grand armies of our allies, under Hotze and Suwarrow, were beaten, dispersed, and routed, never more to rally or unite. Such was the hon. gentleman's "diversion" in Holland!

But his unconquered mind was not yet subdued enough from military expeditions. He proposed new sources of renown for those armies whose happy destiny it was, to be at his disposal. Because he failed in the north, he was certain of success in the south; and, sure enough, he dispatches a formidable force under sir Ralph Abercrombie, to co-operate with the Austrians in Italy. This armament, delayed until any man of common sense must have seen its total inutility towards its professed object, arrives at Genoa, just in time—for what? to assist general Melas? No,—but just in time to have the earliest intelligence of his total ruin. It sails into the road of Genoa, to sail out again, and escapes into the Mediterranean at the very time the Austrian garrison in that capital passes out to meet their defeated countrymen in the northernmost parts of Italy! But was this co-operation desired by the Austrians? No such wish was ever expressed or felt. The right hon. gentleman plainly enough lets us understand the direct contrary. And was it thus that British armies were accustomed to be treated in former wars? Was it in this way that prince Eugene acted to the duke of Marlborough? What, then, is the fact? but that the hitherto untarnished reputation of our arms has so suffered under the baneful mismanagement of his majesty's late ministers, that the co-operation of 20,000 Englishmen is so slighted by our allies, that they deprecated their aid, and resolved to touch nothing belonging to us—but our guineas.

Now, Sir, as to the delay of this expedition to Italy, let me implore the attention of the House to the right hon. gentleman's defence. With the same admirable minuteness, as to days and dates, he tells you that this grand scheme was determined upon on the 22nd of February. On the 23rd, he told it to the king. On the 24th he told it to the duke. On the 28th the duke told him something. The right hon. gentleman then reads two letters, the one from sir Charles Stuart, the other from the duke of York, in

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support of this part of his defence. I have been called a new member this night; and new and raw, indeed, must I be, and wholly ignorant of the practice of this House, if I could hear, without reprobation, that which would have been scouted and spurned in the good times of the English constitution, when a spirit of just jealousy of its rights, and a proper sense of its independence, prevailed in this House, instead of a blind confidence in the executive government. In such times, no minister would have dared to have read to the House of Commons of England the garbled extracts, just as suited his own purpose, of letters from general officers, as an excuse for miscarriages, affecting in the nearest and dearest sense the honour and interests of the country. It is true that I have not been, for some time, in habits of intercourse with the illustrious person who is at the head of the army; but greatly indeed must he be changed from what I knew him, if he would not mark with his abhorrence this style of palliation. For what is it, and what does it prove?—that, if there were nothing more than we have heard, his royal highness ought to be instantly impeached. The national defence of England—its militia, is cut up by the roots; the general body of its officers is disgusted by the laws passed in 1799, which transferred to the line so large a proportion of its best disciplined men. These men, leaving the militia a mere skeleton, are incorporated with regular regiments, and embarked for Holland; and, seven months after their first embarkation to, and five months after their return from, that disastrous enterprise, their commander-in-chief informs the executive government, if we are to believe the right hon. gentleman, "that it will take full two months to discipline them into fitness for actual service!" Was there ever such a defence as this hazarded before an assembly of rational men!

"But, had the right hon. gentleman's expedition been able to sail sooner:"—"If the battle of Marengo had not been lost:"—"*But!*"—"*If!*"—Why, Sir, I do not know what degree of fortune there may be in this battle or in that; but I believe the right hon. gentleman never was more mistaken than he would find himself even in the event of Buonaparté's defeat at Marengo. Such were the precautions of that fruitful mind: so well did he arrange his measures; so little did he, in truth, trust to mere fortune, that if, against all probability, Marengo had been lost, that mighty genius had so disposed his resources, that many a bloody battle must have been gained by his enemies before they could have made much impression upon the incomparable system of his operations in Italy last summer. I defy imbecility itself to string together a more motley pack of excuses than the right hon. gentleman has laid before the House this night. "Amsterdam had been taken, if sir Ralph Abercrombie had landed on the 16th instead of the 27th of August—Sir Charles Stuart's dislike to the Russians protracted sir Ralph's departure for the Mediterranean—Ten thousand Irish militia were to come to England, and ten thousand English to go to Ireland—Some of the troops wanted their new coats, some their arms—One expedition sailed on the 8th of April, took shelter on the 13th, and resailed on the 24th—It was designed to assist the Austrians, but the Austrians would not be assisted—There was no plan or concert between the two courts—An account-current with the seven years' war; took more ships than lord Chatham, and more islands—St. Domingo was unhealthy, and rather expensive; but it was a good market—This war has opened worlds of new markets—Returns, even to a man, of the new-raised corps at Gibraltar, Minorca, Malta, Portugal; and the total of your force, now and in 1797, with a most comfortable exactness—The history of England from 1755 to 1762—from Severndroog to the Havannah.—In a word, such a series of insulting puerilities as no House of Parliament was ever before entertained with under the name of a defence! So much, for the present, of the late secretary; and now to proceed to another view of the success of this war.

The late chancellor of the exchequer tells us that he forbears going over the military exploits, only because his right hon. friend has put those things in the clearest light. He is equally positive as to the success of the war; but not to usurp upon his truly fortunate colleague, he has his own peculiar instances to detail, of prosperity, of comfort, and of multiplied happiness—all flowing in upon the country from his own more immediate department. Quite scandalised at my hon. friend's statement of the magnitude of the national debt in consequence of this war, the right

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hon. gentleman pares down its amount since 1793 to the trifle of 160 millions; and how?—by a mode surprisingly curious indeed. First, he cuts out the 56 millions, for which the income-tax is mortgaged; and next, he desires you to forget all that the sale of the land-tax has already purchased, or may yet redeem. Alas, Sir! there is not a gentleman in this House who would rejoice more than myself, if the income-tax could be set down for nothing; and I cannot help admiring that insensibility under which the right hon. gentleman passes over a grinding impost that has ripped open the private concerns, and reduced the necessary comforts, of every man in England. The extinction of debt from the sale of the land-tax carries its own evil in its tail; and we might as well rejoice at our prosperity from that measure, as a private man would from paying his debts by bringing his estate to the hammer. The debts in so far may be paid; but the estate is gone for ever. The right hon. gentleman must think his audience are children, when he attempts to cajole them by such a play upon words.

In reality, what is the state of the country upon this point? From such a population as that of Great Britain, near forty millions sterling are annually wrung: to this add ten millions more for the poor-rates. The right hon. gentleman has estimated the landed rental of England at 25 millions. Thus, then, we pay, yearly, double the produce of the whole rental of the country, in rates and taxes; a sum approaching very nearly the whole income of the country. Was any nation ever before in such circumstances? If nothing else were stated but this undisputed fact, is it not, of itself, a crying reason for inquiry? As to the sinking-fund, let it be always remembered that its effects, highly beneficial as they are, must depend upon the revenue keeping its level. If the revenue fails, the charm of the sinking-fund vanishes into nothing. This, Sir, is the true picture of our financial condition as a state; and the condition of the people is strictly answerable to it. One-sixth of all the souls in England are supported by charity; and the plight of a great proportion of those who contribute to their maintenance is but little better than that of the paupers whom they succour. How the right hon. gentleman has nerves to sustain him in venturing to talk of the happiness of this country, would be incomprehensible, if our long experience of him had not convinced us of the fondness with which he can survey every act of his own. The repetition of his delusions deludes even himself. He has indulged so much in these fatal reveries, that he appears to have become his own bubble, and almost to mistake for realities the phantasms of his bewildered wits. Let him ask any of the members from Yorkshire and Lancashire, what the state is of the manufacturers in those countries; even those (looking at Mr. Wilberforce) of whom I may not think the best, will not venture to deny the starving, distracted condition of those great and populous districts.

These, Sir, are some of the internal effects of this war, which both the right hon. gentlemen venture to compare with former contentions against France. We have taken more, they tell us, than even in the seven years' war; and therefore this surpasses that in success. Good God! Sir, what an effect does a confidence in the votes of this House produce upon the understandings of men of abilities! To talk of this war, and that of the seven years! "We have destroyed the commerce of France—we have taken their islands," say you—but these I say were not the objects of the war. If you have destroyed the commerce of France you have destroyed it at the expense of near 300 millions of debt. If you have taken the French islands, you have made a bootless capture; for you are ready enough to restore them as the price of peace. You have taken islands—but you have, at the same time, laid the house of Austria prostrate at the feet of triumphant France. Have you restored monarchy?—Its very hopes are entombed for ever. Have you destroyed Jacobinism, as you call it?—Your resistance has made it stronger than ever. Have you reduced the power of France?—France is aggrandized beyond the wildest dreams of former ambition. Have you driven her within her ancient frontiers?—She has enlarged herself to the Rhine and to the Alps, and added five millions to her population in the centre of Europe. You had all the great states of Europe for your allies against France—What is become of them?—all that you have not ruined, are your determined enemies. Where are the neutral powers? Every one of them leagued with this very France for your destruction. Could all this be chance? No, Sir; it is the true succession of effect to

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cause. It is the legitimate issue of your own system. You began in foolishness, and you end in mischief. Tell me one single object of the war that you have obtained? Tell me one evil that you have not brought upon your country? Yet this House will not inquire. The right hon. gentleman (Mr. Dundas) says, "We have had more difficulties to encounter than any former government; for we had constantly thwarting us the implacable monster Jacobinism." Sir, Jacobinism has in it no property so sure as the right hon. gentleman's system to propagate and confirm it. That system has given to Jacobinism life and nutriment, strength and maturity, which it could not have derived from any other course. Bent upon crushing every idea of any reform, they resolved to stifle the once free genius of the English mind, and suspend some of the most valuable parts of the English constitution, rather than yield one jot. Hence their administration is marked, in this country, by a succession of infringements upon the dearest rights of the people—by invasions and rebellions in another country. The parent source of all these disorders is that baneful impolicy, in which both the right hon. gentlemen endeavour to implicate the House. "All that we have done," says the right hon. gentleman (Mr. Dundas), who, to be sure, is more a man of things than words, "has been approved by all, except a small remnant of this House," (an expression which he uses, I presume, to show, that though an act of parliament may incorporate legislatures, it cannot unite languages), and the other gentleman is so anxious to establish the popularity of his system, that he almost reproaches the House with coldness in their support of him. He complains that only "seven-eighths" of the members of this House were for his measures, when he had nine-tenths of the people.

If, Sir, this were true of the people, they would almost deserve their present fate. But the drift of all this is obvious enough. This identification of himself with the House—this laborious shifting, as it were, of the right hon. gentleman's own responsibility upon their votes, is very intelligible; and he falls into that classical correctness which I have before noticed in his right hon. friend, in his great zeal to make that point clear. Though he has had three parliaments chosen, one would have thought, pretty well to his taste, he asserts that even the majorities of this House could not come up to the tone of the public, in favour of his measures, which, he says, had the sanction of all but a few "exploded opinions" in this House. "Exploded opinions," then, he defines to be opinions which this House negatives by its majorities. The right hon. gentleman must allow me to inform him, that his great and justly revered father spent the greater part of his life in the enforcement of such exploded opinions. I must remind him, that he himself was for some time tainted with such exploded opinions. "Exploded opinions" have distinguished many of the wisest and the best men this nation ever produced; and though I lament the sufferings of my country from the neglect of those opinions, I assure the right hon. gentleman and this House, that there is nothing on which I should so steadily rely for the regard of good men, living, or of posterity, when in my grave, as those very opinions which the votes of this House have enabled the right hon. gentleman to stigmatise as "exploded." In point of fact, however, the right hon. gentleman, still surveying himself in the flattery of his own mirror, is wholly mistaken about these exploded opinions. It was to these exploded opinions that the negotiations of Paris and Lisle are attributable. We gave strong reasons in this House for peace. The public thought with us; and we have his own words, that he entered upon that treaty only in compliance with what he now calls "exploded opinions."

But the right hon. gentleman has a keen anxiety lest this House should not continue to think these opinions quite so exploded; for he asks, "Will this House, by going into the proposed inquiry, disgrace its former votes?" To which I answer, yes, certainly; if this House will save the country. In the very House of Commons, to which I before alluded, the early scene of the right hon. gentleman's "exploded opinions"—this very stimulus to pride was urged, though without effect. That House, as well as this House, was questioned, "Will you, the uniform supporters of this war against America, disgrace your former votes?" But, Sir, they did disgrace their former votes; and, by so doing, they did honour to themselves, and saved their country. That parliament was a retracting and a recanting parliament. Bitter as it was,

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the draught was swallowed; and I have no hesitation in saying, that this House, to rescue this country, if that, indeed, be possible, from the perils in which the right hon. gentleman has involved it, must tread in the footsteps of its predecessor in 1782; and, by renouncing the right hon. gentleman and his system together, preserve this country from its impending dangers.

Now, Sir, I come to the consideration of the late change of administration. Before I touch upon the others, allow me to say, that with respect to one of them, I do not think it would be easy, if possible, to find a man in the whole community better suited to, or more capable of, the high office he fills, than the distinguished person at the head of the Admiralty, I mean the earl of St. Vincent; but beyond him, I own, I do not feel myself able to say one word that can be very agreeable to any individual of the remainder. As to the mere change, it is true, that no change can be for the worse; for I defy the evil genius of the country to pick out an equal number of men from any part of England, whose measures could, in the same space of time, reduce the country to a more deplorable state than that in which the retired ministers have left it. But was there no alternative for the country between them and their exact successors? I feel this to be a very unpleasant part of this night's unavoidable discussion: in matters of importance, however, delicacy must give place to duty. The late chancellor of the exchequer, not perhaps quite freely from redundancy, has blended with his panegyric of the right hon. gentleman over against me (Mr. Addington), a gaudy picture of the importance of the chair which you, Sir, occupy. I agree that the office of Speaker is a high and honourable station. It is certainly the first dignity in this House; and I suppose it was *merely* for the public good, that both your predecessors descended from that altitude to *inferior places*, but happening to be at the same time situations of infinitely more emolument and power. A man, however, may be an excellent chairman of this House, as the late Speaker undoubtedly was, without being exactly qualified for the office of chancellor of the exchequer. At the present moment this is all that I think it necessary to say with regard to the respectable gentleman whom you, Sir, have succeeded.

The next in point of importance, both of office and character, is the noble lord upon the opposite bench (lord Hawkesbury), who has richly shared those florid praises which the right hon. gentleman has poured so fluently upon the whole body of his successors. I assure the noble lord, that I have as much respect for him as I can have for any person of whom I personally know so little. He has been, it is true, a member of this House for many years, and, I doubt not, a very diligent member; but, if you had polled the country, not an individual could be found in it less happily selected for the peculiar department he occupies than the noble lord;—the noble lord who, in whatever else he may surpass them, does not yield to any one of those whom he officially succeeds, in the virulence of his obloquies upon the French revolution; who has spent as many hours in this House as any member of the late or present ministry, in showing the irredeemable infamy of treating with that "republic of regicides and assassins." Never, surely, was there a worse calculated proposer of peace to Paris than the very noble lord who was for cutting the matter quite short, and marching offhand to that capital. What, then, is this country to expect? A change of system? No: for all that the public have learnt upon this subject is this, that the new ministers are come in distinctly and expressly to support the system of the former; with this single exception (which makes any hope of establishing the tranquillity of the country recently united to us wholly desperate), that they are hostile to the only measure of their predecessors which has any pretension to wisdom and good policy.

Before I proceed to the conclusion of this part of my subject, I must beg leave to say something upon this much-talked-of subject of catholic emancipation. As to the mere word "emancipation," I agree with the right hon. gentleman that the expression is not the best adapted to the case. It is not emancipation, in the ordinary meaning of the term, that the catholic wants, or that the government can grant; it is the removal of the civil disabilities that remain, and that remain for no end either of security, of policy, or of prudence—insulting and vexatious distinctions, beneficial to no interest whatever—but the fruitful source of jealousy, discord, and national weakness.

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The right hon. gentleman talks of the king's reign having been a series of concessions to the Catholics. Sir, the king's reign is marked by no concessions which the blameless conduct of the Catholics was not calculated to exact from the most unwilling government in the world. He talks of what has been given to the Catholics. Sir, you give them nothing while you deprive them of a right to sit in this House. I know of no political rights which ought not to be common to all the king's subjects, and I am sure that a system of proscription, on account of theological differences, will for ever be found not more unjust and absurd than pernicious. If this principle needed illustration, Ireland affords it beyond the power of controversy. Divided by the government, it presents a constant temptation to your enemy. Rebellion is the fruit of bad policy, and invasion is encouraged by disunion.

In mentioning the name of earl Fitzwilliam (so strangely quoted by an hon. gentleman, as having contributed to the misfortunes of Ireland by his proposal regarding the Catholics), though I am eager to avow my partialities for that noble person, it is not from private friendship or personal regard, that I call upon any really candid man to deny, if he be able, upon his honour and conscience, that the system introduced by that noble lord would not, if then adopted, have prevented those dreadful scenes of havoc, murder, and devastation, which have since desolated that wretched country. Let it be for ever remembered, that, with all the industry which has been employed in making up the reports of the Irish Lords and Commons upon these subjects, not a vestige of evidence appears, but the direct contrary, that any approach was made to seek assistance from France, or that even the most distant idea of separation from, or setting up for independence of this country, was entertained in Ireland, until every petition for peaceful redress of grievances was spurned and rejected.

But, Sir, this concession, to which a few years since (when, in my full belief, it would have prevented all the calamities that have since happened), the right hon. gentleman was so determined an enemy, and of which he is now, it seems, a martyr, was to have been, in his hands, accompanied with God knows what guards and qualifications. The apprehensions, I think all such wholly chimerical—but no matter. Whatever apprehensions to church or state the fearful or the zealous might entertain from the grant of this Catholic claim, were all to be composed and done away, by the healing, wholesome, tranquillizing plan of the right hon. gentleman; and, after raising our expectation to the highest pitch in favour of this choice scheme,—this choice scheme, he tells us, must be locked up in his own breast. Now, that the right hon. gentleman should not impart his project to us on this side, whose dislike to it he anticipates, is nothing; but, that he should resolve to keep this House and the public in total ignorance of this most wise and perfect system, is utterly unaccountable. The right hon. gentleman's steady determination to hide from the world this piece of excellence, reminds me of a saying of Mr. Burke, who, in his fine strain of ridicule, observed, that if torture could ever be justified, it would be when a man refused to reveal what he asserted would be a mighty benefit to mankind. Torture had of late been liberally applied to extort the confession of evil; and if one could give the right hon. gentleman credit for the just grounds of his egotism, it would almost tempt a wish that he were compelled to disclose this blessed secret. So obdurate is he upon this point, that he not only seals his lips against such a happy disclosure, and proclaims his determination not to introduce, in his own person, any question upon this subject, but he absolutely forbids the House from discussing it, by declaring, that such discussion will not be useless merely, but mischievous. It is not, however, to this part of the business alone that the right hon. gentleman's mysteries are confined; every thing connected with it is to be shrowded in silence and concealment. After avowing very fairly, so far, though not the direct composition, the sense and spirit of the paper diffused through Ireland in his name; and after owning that his inability to propose his Catholic regulations, as a minister, was alone the cause of his resigning his office, the right hon. gentleman protests against further explanation. "No further avowal or denial shall be drawn from him either now or hereafter." This, sure, is the most extraordinary declaration that ever fell from the lips of a public man. The right hon. gentleman resigns his office, because he cannot propose his measure.

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To Ireland he sends his sentiments, as they are conveyed by a friend of his, in the paper alluded to. He describes his plan to this House as the perfection of all wisdom; and upon all these points he defies interrogatory, and deprecates comment.—The right hon. gentleman asks, "Is it wonderful that the sovereign should have an opinion?" No, certainly; and if the right hon. gentleman did not make himself acquainted with his sovereign's opinion upon this point, long before the proposed introduction of his meditated system, he was guilty of a breach of duty. In what possible way can the right hon. gentleman be exculpated from the charge of gross irreverence to the king, or of abusing so many millions of his people? He denies that any positive pledge was given to the Catholics at the union; but admits that it was natural for them to cherish expectation from it. Natural! Why, unless they reasoned very deeply, indeed, upon the right hon. gentleman's mind, such an expectation was inevitable. In the nature of things they must have looked upon it as a certainty.

I shall say nothing of the other means employed to accomplish the union; but in respect to the operation of the Catholic question upon that measure, I can easily conceive that if any friend of the Catholics, my relation the duke of Leinster, for instance, or any other person well affected to their cause, or any of the leading Catholics themselves, should have been consulted by the right hon. gentleman, what can be so likely as that the right hon. gentleman should hint in private, what he has so distinctly stated in public, namely, that the shortest, surest course to the attainment of their objects would be, their support of that measure, from the adoption of which alone those concessions could flow which were so often refused by provincial prejudice, ignorance, and injustice. Upon the other hand, I cannot conceive any thing more probable than that the reluctance of those early enemies to the union, who are, at the same time, such infuriated terrorists in favour of Protestant ascendancy, had been subdued by assurances that an imperial parliament alone could raise a barrier sufficiently powerful to beat back the claims of the Catholics, so often, and so likely to be often preferred in the parliament of that country. It appears to me that nothing could be at once more likely, and more like a pledge, than all this, when those public declarations of the right hon. gentleman are remembered, which left no reserve upon this—that for either giving or rejecting the Catholic claim, the justice to feel it, the liberality to grant it, and the strength to secure it to the one sect, without mischief to the other, could be expected in a general parliament of the empire—and in that alone.

That both parties in Ireland are discontented and disgusted, cannot be otherwise than too true. To the Protestant zealot there is no security, or satisfaction to the Catholic claimant. Such is the right hon. gentleman's infelicity upon this great question, that the measure which was to be the remedy becomes the source of all distempers. Instead of quieting, he has agitated every heart in that country. The epoch from which was to begin the reign of comfort and confidence, of peace and equity and justice, is marked, even on its outset, by the establishment of that which rests every civil blessing upon the caprice of power. Ill-starred race! to whom this vaunted union was to be the harbinger of all happiness; and of which the first fruit is martial-law,—or, in other words, the extinguishment of all law whatsoever! The situation of the king, and of this House, upon the subject, is quite unexampled. His majesty's prerogative is clear and undoubted to change his servants, to give or to refuse his assent to every law; but it is a gross breach of the privileges of this House, and a deep violation of the constitution, to use the king's name for the purpose of influencing its deliberations. Here is not only an introduction of the king's name, but a declared incapacity to propose a salutary system, on account of objections which the constitution of the country, and the undoubted rights of this House, will not allow to be even mentioned or hinted at. Sir, I respect the monarchical part or this government; but the monarch has nothing to do with the sentiments of a member of parliament; and for the wonders of these times was reserved a public declaration within these walls, coming from high authority, that a plan of acknowledged benefit cannot be proposed here, unless it comes recommended from the crown, of which, by the constitution of the country, it should be the peculiar genius of this House to be wholly independent.

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This surely is a strange state of things; and every thing connected with it is of the same character. As a right, the right hon. gentleman denies the claim of the Catholics. He would give them nothing as a right; but he thinks the concession expedient. This, Sir, is not my sense of the Catholic claim. I would grant it, not merely because it is expedient, but because it is just. Those who press the doctrine of virtual representation to the utmost length, never ventured to carry it so far as even to pretend that it extended to the privation of the Catholic body. Catholics, in my opinion, have rights as well as Protestants. They have both rights conjointly; not resting upon light or frail grounds, but forming the very base and foundation of our civil system; and the government which does not acknowledge these rights, the rights of man in the strictest sense of the word (notwithstanding the constant clamour against, and abuse of that phrase), not as theories and speculations, but as active and living principles, is not, and cannot be a legitimate government.

The inferences to be drawn from the style of argument which has been used in defence of the duration of these dreadful laws in Ireland, furnish a sentence of condemnation against the government of that country, much stronger than any that was ever used by those who, so unavailingly, raised their voices against a system of terror, of free quarters, of conflagration, and torture. If it be true, as they allege, that treason has tainted that people to the bone—if the poison of Jacobinism, as they call it, pervade the whole mind of the multitude—if disloyalty be so rooted and so universal that military despotism can alone make the country habitable—it would be against the experience of the world that such a wide and deadly disaffection could, or ever did, exist in any nation on the globe except from the faults of its governors.

To this country, too—to England, what a contradiction is the conduct of these hon. gentlemen to their professions! This nation was to reap marvellous blessings from the union; but of what benefit is the junction of four or five millions of traitors? Such, the laws proposed by these hon. gentleman tell you, the Irish are;—but such I tell you they are not. A grosser outrage upon truth, a greater libel upon a generous people, never before was uttered or insinuated. They who can find reason for all this, in any supposed depravity of the Irish, totally misunderstand their character. Sir, I love the Irish nation. I know a good deal of that people. I know much of Ireland from having seen it; I know more from private friendship with individuals. The Irish may have their faults, like others. They may have a quick feeling of injury, and not be very patient under it; but I do affirm, that, of all their characteristics, there is not one feature more pre-dominant, in every class of the country from the highest to the lowest order, than gratitude for benefactions, and sensibility to kindness. Change your system towards that country, and you will find them another sort of men. Let impartiality, justice, and clemency, take place of prejudice, oppression, and vengeance, and you will not want the aid of martial law, or the terror of military execution.

Having said thus much upon the affairs of Ireland, let me recur to what I before urged regarding this new ministry. It is not that the change is for the worse upon the whole, for no change can be so;—but, let me ask, what is it that the public can expect from men, whose fundamental principle is adherence to that system of their predecessors which has brought this empire into its present circumstances; and whose only novelty, or deviation from that system, consists in their repugnance to the only measure, of those whom they have succeeded, that has any pretension to good policy? "Not so," they will answer: "the system was most wise." Well, be it so; this "wise system" has reduced this country to the state in which it is at this moment involved. Tell me how you intend to get us out of the danger? By the very means that got us in, is the inevitable inference. Do you try no change of system? No; by no means; we go the beaten course. Is there nothing new in your plan? Yes; our predecessors designed to restore four millions of our fellow-subjects to the rights of the constitution. This we refuse. In all things else we follow their example. Such is this new ministry—and such the obvious hope from their appointment!

Upon the question with the northern powers, the noble lord (Hawkesbury), if rumour err not, has been as high-toned and intractable in his official communications as even his vigorous predecessor. As far as respects France, the whole country could not afford a selection of

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men so calculated to excite distrust. If any thing could justify the sporting with human life, never, surely, was occasion more apt of retorting the insulting folly made to Buonaparté's most conciliating proposals of last year. With how good a grace might he not answer, "With you I cannot treat—you are but newly in the possession of a doubtful power—I must have experience and the evidence of facts—You have called me a child and champion, and sometimes a puppet—You are the children and champions of those whom I have covered with indelible disgrace—How do I know that I can place the least reliance upon any treaty made with men who, indeed, may be mere puppets, moved by wires, in the hands of others?" Thus might Buonaparté cast back upon this government the absurd impediments that were raised against any negotiation with him in January 1800. But I believe him to be much too wise and too sensible of that which constitutes his truest glory, the desire of giving a durable peace to the world, to resort to such objections, or descend, upon so important a subject, to repeat their words, whose example he has scorned in so many other instances. What a contrast does his conduct afford to that of the gentlemen over against me!

To the reiterated importunities of this side of the House, in favour of negotiation, they have replied alternately in this style. When beaten, "What!" said they, "will you treat now and dispirit the country? Is the moment of defeat the time for negotiation?" Not so Buonaparté. Even in the state to which the Directory reduced France, even before he drew the sword from the scabbard, he humbled himself (if the noble wish of stopping the effusion of human blood can indeed be humility), to reconcile those hon. gentlemen to the restoration of the world's tranquillity; and it will be matter of curious reflection for after-ages, to observe such a man as Buonaparté almost upon his knees, supplicating such conductors of war as those over against me, for peace. In the crisis of success, when we implored them to take advantage of the victories of our fleets, they have replied, "What! treat now, when we are so near the object of the war? Will you sully the glories of your navy?" But Buonaparté, who gained not a victory without making a proposal of peace, did not think that the glories of Marengo, or Hohenlinden were in danger of fading, from the constant proffers of a pacification made by him who never won a laurel without showing the olive at the same time. We on this side of the House have been taunted with unnerving the people and undervaluing their resources, at the several epochs when, truly describing the country, we urged the other side to peace. I am no advocate for despondency, and should be the last person in the world to countenance a sentiment of despair in either man or nation; but I am sure that the true road to ruin, for either, would be to shut their eyes to the reality of their danger. How stands that point with the rival government?—Did Buonaparté blink the difficulties of France? It is possible that, with a view to enhance his own renown, he may have magnified, but it is quite certain that he did not understate its distresses of any sort. Far from it. He exhibited to his country a strong picture of national misery; and, to rouse the energies of France to those extraordinary achievements which immortalise the short campaigns of the last year, his proclamation was—what?—the answer of the gentleman over against me to his entreaties for peace. Not all his conquests, not all his fame, so effectually recruited the French armies, as that solemn appeal to the good sense of France, that stimulus to revolutionary ardour, and to the proud passion of national independence, the ever notable reply of lord Grenville to M. Talleyrand. Marengo and Hohenlinden grew out of that famous paper. To a frank but respectful letter addressed to the king of England, they say, "Restore the Bourbons!"—or, in other words, "Go hang yourself! If you would give a speedy peace to France, reinstate that family, whose first act in all probability would be, to bring you to the scaffold." Buonaparté was so perverse and strange a man, that he rejected this good advice, and would not consent to his own destruction and dishonour, by replacing France under that tyranny from which the Revolution freed her, and which nine years of unheard-of sufferings, and of martial prowess without example in history, had been consecrated to annihilate.

The right hon. gentleman (Mr. Pitt) seemed to kindle at the supposed charge of making the restoration of monarchy a *sine quâ non* of peace. Had that charge been really urged, I leave any man to judge whether the means of supporting

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it are not abundantly supplied by lord Grenville's memorable dispatch; but though he tells us that we are callous to the refutation, the right hon. gentleman, in fact, is combating a shadow, for that is not the charge. A total failure of all the declared objects of the war, of which the restoration of monarchy was one of the foremost, is the charge we make; a charge which he has not answered, and cannot answer; and if the right hon. gentleman cannot distinguish between a motive to war, and a *sine quâ non* of peace, he must have left his understanding behind him in his office. All the right hon. gentleman's dexterity is employed to show this House that it will be giving itself, as it were, a slap on the face, if it adopt this motion; and he makes to his friends a most pathetic appeal upon grounds purely personal. Conscious that inquiry will ruin him, he urges the pride, the consistency, the feeling of the House to reject my hon. friend's motion; and he warns his noble relation (earl Temple) to spare his compliments, if he withholds his vote. Inquiring into his conduct, he avows, is the worst service his friends can render him. Sir, undoubtedly this is so far the truth, that a fair and honest inquisition would be his overthrow; and his conduct this night is a perfect comment upon his life. But is it thus with men who dread not investigation? The name of lord Fitzwilliam has been mentioned. When a great question of state, affecting the peace of a whole nation, was at issue between that noble lord and the right hon gentleman's government, how did lord Fitzwilliam act? Did he skulk under the supposed sympathies of parliament? Did he say, Do not bury me under compliments, if you vote for inquiry? No, Sir, that noble lord in his place in the other House, provoked, demanded, and challenged inquiry; and it is in the memory of many now present, that there was not in this House one person connected with that noble lord, by private friendship or by any other tie or intercourse, who did not vote for going fully into that transaction. Not so the right hon. gentleman, because he is conscious of no such cause. This House rejected that motion, the adoption of which might have prevented the miseries that have since intervened. May God avert similar consequences from similar conduct this night!

If the right hon. gentleman can continue to persuade this House against the revision of his conduct, I do not wonder that he should have seized the opportunity of resigning the government into the hands of his friends. The right hon. gentlemen near him (Mr. Dundas), after telling the House an entertaining story of Charles 2nd, sneers at us, and says he has not heard of any prayers offered up for our succeeding to their places. Has the right hon. gentleman heard of any prayers offered up for their return to them; or in any part of the kingdom has there been a regret expressed at their retreat? Perhaps it would be nearer the truth to say, that no joy was more general, till that feeling was damped by the suspicion that the change of ministry was in reality no change at all. But the right hon. gentleman (Mr. Pitt) has taken infinite pains to contradict this notion, and laboured very assiduously to prove that it was, in good sooth, a real change, and no juggle. "Is office," he asks, "a thing that people are generally eager to lay down?" Undoubtedly, in that respect nothing is more easy than to ascertain the right hon. gentleman's disposition, materials for deciding it being amply afforded by his history; and if the world really thinks that he has relinquished the government merely because he found impediments to a wise and honest measure, then the right hon. gentleman has the full effect of his character. It, however, is indisputable that no minister of England up to this period has discovered less alacrity in parting with his place. Still more to prove that the recent change is no imposture, he seems to lament that, being so near the end of his labours, he should be forced to yield to circumstances, and not be himself the person to terminate this glorious career—he grieves at not being in at the death, as it were. Now, Sir, as to what single object of the war the right hon. gentleman has gained, or (except in his departure from office) what reason he has for concluding that this contest is near its close, he leaves us in utter ignorance. Whence does he draw his conclusion? Are the points for which this government contended more likely to be attained at present than they were at Paris or at Lisle? Are you more likely to get the restoration of the Low Countries, which you so judiciously made a *sine quâ non* of the former negotiation, at this time than at that? Or, putting that matter quite out of sight, are you nearer to any other rational pursuit now than then?

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Are you stronger? Is France weaker? What is it, I ask, that feeds the right hon. gentleman's fancy into a notion that the end of this war is so near at hand?—As to the late change of his majesty's servants, it is impossible for me to say whether it is a juggle or not; but, considering the genius of the right hon. gentleman's contrivances, I can see many things in such a scheme which would make it not unsuitable for him to hazard such a thing as an experiment. Blinded he would be, and under hopeless infatuation, not to feel the total impossibility of his ever reaching that goal at which he casts such a lingering look. I do not exactly charge him with positive duplicity in conducting the different treaties which he opened with the enemy; but that he was greateful even to piety for the miscarriage of them all, is not to be denied. When, then, was he to be successful or sincere, who never negociated without failing, and never failed without rejoicing? Not one single step could he take towards pacification, without stumbling upon something that must suggest to him his own humiliation, and without prompting the enemy with perpetual mistrust. Well, therefore, may the right hon. gentleman pour forth his panegyrics upon his successors, who take this task (so ignominious for him and his colleagues) off his hands, and who, at the same time, proclaim their devotion to the principles of his administration.

Now, Sir, having advanced all that I think necessary to urge in support of my hon. friend's motion, I shall beg leave to say a single word upon a topic that has been several times alluded to in this debate, namely, my personal attendance in this House. It is not for me to anticipate the determination of the House this night. If I see any reasonable grounds for thinking that my regular appearance here can be really beneficial to the public, the public shall have that benefit: but if it is demonstrable, after the seas of blood that have been shed, and the hundreds of millions wasted—after such sacrifice of treasure and of reputation—after the failure of all the professed objects of this war, and after bringing immeasurable woes upon the country in consequence of it—after a series of military enterprizes that excited the contempt, and some of them the horror of Europe—after the loss of all, and the ruin of many of our allies—after seeing the enemy aggrandised beyond all example, by the very efforts made to abase him—after having abused the matchless glories of our navy, from the true end of all justifiable warfare, a safe and honourable peace—after seeing the ninth year of this direful contest advance us so little towards its close, that we see a host of new enemies commencing a new war, pregnant with mischief whether we are victorious or vanquished—after all the infringements that have been made upon the English constitution, and our better experience that increasing the cause is not the true remedy for discontent—after all that we have seen in Ireland, and all that we feel in England—if all these things go for nothing, and the division of this night should manifest the same determined confidence of this House in that system which has produced all these effects, whether administered by its first leaders, or by their followers raised from secondary into superior offices—then, Sir, sensible of the utter inutility of my exertions, I shall certainly feel myself justified in exercising my own discretion as to the degree of regularity with which I shall attend this House.

How this House feels I know not: how it will act we shall shortly see. It is for the House to resolve how it will best discharge its duty; I am quite satisfied that I have discharged mine. Those who think that what I have stated are not evils, arising from any defect of wisdom, of vigour, of foresight, of prudence, or of any of the qualities that constitute the essentials to an able and capable government; but that they are only slips of conduct, mere flaws of accident, affording no presumption against the king's ministers, whom this House is constituted not to control or call to account, but to support and justify upon all occasions—such persons will of course vote against this inquiry. On the other hand, those who think that the misfortunes brought upon the country by the late ministers are the necessary consequence of original folly in the schemes, and of imbecility in the execution; who think that the primary duty of this House is to guard the rights and protect the interests of the people; who are of opinion that the dreadful state in which the country finds itself is not more owing to the misconduct of administration than to the absence of this House from that constitutional jealousy of the influence of the crown which ought to be the first characteristic of a House of

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Commons, and from its uniform discountenance of all retrospect and revision—Those who think that the vice of the plans and principles that have brought the country to its present situation, has been cruelly aggravated by that boundless confidence which this House has uniformly shown, and which, instead of deterring from evil or doubtful projects by the fear of punishment, has operated as an encouragement to dangerous speculation, by the assurance of indemnity and safety—Those who think that this question ought not to depend upon regard to the late or the present administration, to predilections or antipathies for that side of the House or this—Those who think that the reign of confidence has had full play, that the principle has been fairly tried and found wanting, who see in its sad effects that it is not more unconstitutional than impolitic, and who firmly believe that the surest method of redeeming the country in the present crisis, is for this House to resort to the good old customs of our ancestors, to resume in the worst the jealous vigilance of the best times, and to manifest that the support of government must be accompanied by inquiry into its conduct—Those who think thus will vote, as I shall, for the motion of my hon. friend.

Mr. Chancellor *Addington* said, that he might possibly incur the imputation of presumption, in rising immediately after the hon. gentleman who spoke last. He had, however, thought it incumbent upon him, in the former part of the debate, to give way to those gentlemen, against whose conduct the motion seemed to be peculiarly directed. But he could not reconcile it to his sense of duty to give a silent vote on this occasion, and he therefore now rose to ask the indulgence of the House for a short time, though in his present state of health, and exhausted as he was, it would be difficult for him to avail himself of it.—He then adverted to what had been stated by the hon. mover to be the declared principles, as it had been said, of himself and his colleagues. This declaration had excited the distrust of the hon. gentleman, though it had been the subject of encomium and of confidence in another. He would only say, that he should neither adopt or reject any system, because it had been that of any persons whatever, however highly he might respect them. He knew of no principles and no system, that could be justifiably and honourably pursued, but such as appeared to be best calculated to promote the true interests of his sovereign and of the country.—On the subject of confidence, the doctrines which had been at different times maintained were, he said, strikingly diversified. In 1784, a representation to his majesty had been moved by the hon. gentleman who spoke last, recommending to his majesty the dismissal of his ministers, because it was alleged they did not enjoy the confidence of the House of Commons and of the public.* In a few years afterwards, it was made a matter of reproach to the House, that they gave that confidence; and to the ministers, that they were the objects of it. The principles of the year 1784 were however, now again resorted to; and the previous confidence of the House was deemed indispensably necessary to sanction appointments which had taken place by the exercise of the undoubted prerogative of the crown. In what degree that confidence might be supposed to extend to his majesty's present ministers, it was not for him to conjecture. They only asked, however, for that portion of it which should be constitutionally reposed in persons duly appointed by his majesty, unless it was precluded by their antecedent conduct and characters. Of himself he would say no more, than that he should be grieved indeed if it could be supposed that any of the allurements which had been stated by the hon. gentleman who spoke last, could have induced him to exchange the situation which he had filled for twelve years, for that in which, in obedience to the commands of his majesty, he was now placed. By those who gave him credit for being actuated by what was due to domestic comforts, and to those considerations which, if not laudable, were at least justifiable, as a husband and a father; by those who gave him credit for preferring works of kindness to those of animosity, and an intercourse approaching to friendship, to one approaching to hostility, it would not be doubted, that a sense of duty and allegiance alone had directed his conduct, and that for that alone he had sacrificed every other consideration.—The right hon. gentleman then entered into a discussion of the principal topics on which the motion was founded, and commented on the leading points in dispute between this

* See vol. 24, p. 733.

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country and the Northern powers. He declared it to be his decided opinion, that the right for which we were contending was vital and fundamental; that it could neither be abandoned, nor compromised; but he also declared it to be his utmost wish, that it should be asserted temperately, though firmly; and that it should be exercised with as little vexation as possible to the interests and feelings of all the maritime states. He added, that while he was contending for the rights of his own country, he had the satisfaction of thinking that he was contending for the true interests of Europe, to which it could not be consonant that maritime and continental superiority should be engrossed by the same power. It was, indeed, incontestably evident, that the naval pre-eminence, which it was the object of the present confederacy to subvert, had, during the present war, protected the commerce of Europe from piracy; and he trusted, that a short interval of reflection might be sufficient to convince the powers that were parties in this confederacy, of the infatuation of an attempt which, even if successful, could not fail by abridging our power, to diminish their own security. He trusted, however, that all hopes of accommodation were not yet at an end; and that, by firmness and moderation, the cloud which impended over us from this quarter might yet be dispersed.—He then adverted to the question of Catholic emancipation. He deprecated whatever might have the appearance of intolerance and proscription. No restraint, he said, ought to be imposed on those who dissented from the established church, but what was deemed absolutely necessary for its security and stability; and he anxiously hoped, that dissenters of all descriptions would feel assured, that they were regarded in no other light by the government, than as truly valuable and respectable members of the community.—On the subject of peace and war, it had been asked by the hon. gentleman who spoke last, how it was possible that the restoration of peace could be expected from those who had rejoiced at the failure of the negotiation at Lisle? He would only say, that he had never expressed any such sentiment; and he could truly aver that he had never entertained it. To the House, however, he thought it incumbent upon him to declare, that it was the determination of his majesty's servants to take such steps as appeared to them best calculated for the restoration of peace; that no consideration arising from the form of government in France would, on their part, obstruct negotiation; and that, if there was a corresponding disposition on the part of the enemy, the grand object to which the hopes and efforts of government would be directed, would, he trusted, be happily accomplished. The question must be one of terms, and of terms only: and without calling in question the sincerity of the French government, he was sure that he should meet the sentiments of the House in stating, that it would justly be discredited by the advancement of any claims that might be inconsistent with the security and honour of this country.—The right hon. gentleman concluded with saying, that he had abstained from any professions and from any declarations, but such as he thought the House was entitled to expect, and which might be made, on his part, with propriety and discretion. He had already stated, that, for his colleagues and himself, he asked for no confidence, but what was strictly constitutional; for himself he would declare, that he would occupy no party ground, but that he would throw himself entirely on that House and the country.

The House divided:

Tellers.

Yeas	Mr. Grey - - - - Mr. Whitbread - - -	105
Noes	Mr. Secretary at War - Mr. Abbot - - - -	291

So it passed in the negative.

List of the Minority.

Adair, R.	Cooke, B.
Adey, S. T.	Copeley, sir L.
Anson, T.	Crew, J.
Astley, E.	Curwen, J. C.
Aubrey, sir J.	Dalway, N.
Bampfylde, sir C. W.	Daly, D. B.
Barclay, G.	Denison, W. J.
Biddulph, R.	Dent, John
Birch, J. R.	Dimsdale, baron
Bird, W. W.	Dolben, sir W.
Bouverie, hon. W.	Dundas, hon. L.
Brogden, J.	Dundas, hon. W.
Brooke, H. V.	Dundas, C.
Bunbury, sir C.	Erskine, T.
Burdett, sir F.	Falkiner, F. J.
Byng, G.	Fitzpatrick, gen.
Cavendish, lord G.	Fox, C. J.
Colhoun, W.	Gascoyne, gen.
Coke, E.	Geary, sir W.
Coke, T. W.	Harrison, J.
Combe, H. C.	Hawkins, sir. C.

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Hobhouse, B.
Howard, H.
Hussey, W.
Jefferys, N.
Jervoise, J. C.
Jolliffe, W.
Jones, T.
Keating, colonel.
Kemp, T.
Knight, R. P.
Lambton, R. J.
Langston, J.
Laurence, Dr.
Leicester, sir J.
Lemon, J.
Lloyd, J. M.
Milford, lord
Milner, sir W.
Milnes, J. S.
Mostyn, sir T.
Nicholls, J.
North, D.
O'Hara, C.
Phillips, J. G.
Pierrepont, hon.
Ponsonby, W.
Ponsonby, G.
Ponsonby, J.
Porter, G.
Power, H.
Plumer, W.
Richardson, J.
Ridley, sir M. W.
Robson, R. B.
Russell, lord W.
Russell, lord J.
Savage, F.
Scudamore, J.
Shakespeare, A.
Sheridan, R. B.
Shum, G.
Sibthorpe, col.
St. John, hon. St. A.
Smith, W.
Sturt, Charles
Stanley, lord
Symmonds, T. P.
Taylor, M. A.
Taylor, W.
Temple, earl
Thompson, T.
Tierney, G.
Tooke, J. H.
Townshend, lord J.
Tufton, hon. H.
Vane, sir F.
Vyner, R.
Walpole, hon. G.
Western, C. C.
Williams, sir R.
Wilson, R.
Winnington, sir E.
Young, sir W.

TELLERS.

Grey, C.
Whitbread, S.

Debate on the Earl of Darnley's Motion for a Committee on the State of the Nation.] March 20. The order of the day being read,

The Earl of *Darnley* rose to make his promised motion, and, after a few introductory observations, said:—My Lords; in stating the grounds upon which a motion of inquiry must necessarily rest, the first and most prominent appears the conduct of the war; but with respect to this first and leading topic, I beg leave to remind your lordships, that although I have always been fully convinced of the necessity of the present war, I have taken occasion, from time to time, to assert the right and duty which belongs to a member of this House to animadvert upon such parts of the conduct of ministers as appeared reprehensible, at the same time that their general system received my most decided approbation. I never subscribed to that system of blind confidence, which has so long and so fatally prevailed; but, on the contrary, have at all times asserted the right which I now assume, of giving my free and unbiassed opinion in this place. My present object, however, is not to recapitulate whatever may appear reprehensible in the conduct of the earlier stages of the war, but to call the particular attention of the House to the circumstances which have taken place since a great disposable military force was raised, by breaking down and almost annihilating the militia, our most efficient and constitutional defence, and disgusting the country gentlemen, and men of property engaged in that service, by whose means alone it can ever be maintained in conformity with the genuine spirit of its constitution. These inconveniencies were, however, generally supposed to be counterbalanced by the great advantages which were expected to result from so large an augmentation of the regular army. The first expedition undertaken in consequence of this augmentation was, the attempt upon Holland. An inquiry into the failure of that expedition was proposed last year, and opposed by me; not because I thought no apparent blame attached to ministers, or that no grounds of inquiry existed, but because it had in part succeeded, and because I felt a considerable degree of delicacy towards the illustrious commander of that army, who had been placed in a situation singularly critical, great part of the army having been thrown together without discipline or order, and absolutely unfit for service; so that, taking all the circumstances into consideration of the disadvantages under which that army was brought into the field, it is not matter of surprise that it performed so little, but rather that it performed so much. But one of the principal reasons which induced me to resist that inquiry was, an assurance on the part of ministers, that it would tend to disclose secrets necessary to the accomplishment of farther plans of military operations which they had in view; and, I confess, I entertained a sanguine expectation, that, profiting by their former errors, they would have taken advantage of the winter, to discipline and arrange this army, composed, as it was, of such excellent materials, and, by a well-concerted plan of operation, give it an opportunity of essentially promoting the interest and glory of its country. How miserably I have been disappointed, I need scarcely state to your lordships. But I must beg leave to call your particular attention to the manner in which this unfortunate army has been employed during the last year. The first attempt upon Ferrol has already been so much the object of discussion, that I shall not

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trouble the House with a detail with which it must be acquainted. The next object was an attempt upon Cadiz; begun and relinquished under circumstances still more extraordinary and degrading than that upon Ferrol. Upon the whole of this transaction, as far as it has come to our knowledge, there is something so inexplicable, and so disgraceful, that I cannot adequately express the indignation I feel; but will venture to state, that if no other ground of inquiry existed, this alone imperiously demands it. Of this singular expedition to Cadiz we have no regular nor official account, nor indeed any that I know of, except what appeared in the foreign gazettes. I will read to the House an extract from a French paper, which is of a nature so humiliating to this country, that it cannot too soon or too solemnly be contradicted. The account I allude to is as follows: "There can be no doubt that it was the dreadful epidemic disorder, which has raged in Cadiz and its vicinity, since the beginning of August, which suggested to the humanity of the English the desire of paying us a visit, on the supposition that the vessels in the roads might be easily carried, and that they could penetrate to the old arsenal in order to set it on fire; for it is not probable, that such preparations should have been made merely to bombard Cadiz; and they must have known that they could not obtain possession of it without meeting a number of obstacles." Here follows the correspondence between our commanders and the Spanish governor, and then, "The English have sent in two flags of truce to demand a sum of money, and the vessels moored in the harbour, but they will get neither money, nor vessels, and there is no reason to think they will disembark, any more than they have done at Leghorn, Belleisle, &c. and if they do disembark they will be received as general Bernadotte this year received them at Quiberon, and Brune last year in Batavia. The English ministry seem to have adopted a new system of tactics in continental war; their armies are sent every where, except where they can be useful to their allies; they at once menace to make a diversion in Batavia, Britany, Provence and Spain, and no where do they excite the smallest apprehensions. The Emperor may flatter himself truly with having a very useful ally. But if it be their object to accustom their land forces to the sea, they have pretty well succeeded, as for upwards of a year, these poor fellows, crowded upon each other in transports, have been tacking about in the Mediterranean and the ocean. This may indeed be called the art of throwing money into the sea, and it is certainly a noble way of swallowing up 14,000,000."

Now, my lords, I allow much for the exaggeration of an enemy, but part of the account is undoubtedly true; and if such suspicions can be entertained by our enemies, will your lordships hesitate to enter into an inquiry, by which alone the wounded honour of the country can be vindicated? As it stands, the British name and the British army are dishonoured, and the authors of our disgrace are not only unpunished but unknown. In addition to what I have stated, how has this unfortunate army been employed? or in what manner has it been useful to us or to our allies, cooped up in transports as it has been for so many months, its energy and spirit broken, by a long series of inactivity and disappointment, and its health impaired by subsisting constantly on salted provisions. I will not assert that any effort of ours could have saved Italy, but no one will deny that if 20 or 25,000 of the flower of the British army, had joined the Austrians before the battle of Marengo, a very different turn might have been given to the campaign. Instead of this, all our preparations, as usual, were too late; a part of this army it is true reached the coasts of Italy, but not till Genoa was again in possession of the French, and instead of being useful to our allies, narrowly escaped falling into the hands of our enemies. And at this moment, how is our great disposable force employed? A part is returned home, to recover from the fatigues of its long and fruitless voyage, and the remainder is sent to attempt to recover Egypt from the French. That it may at length succeed in this project, I most sincerely hope, but confess I am by no means without serious apprehensions. But for the manifest misconduct of ministers, this important object of rescuing Egypt from the French, might have been effected without loss. On this subject enquiry has already been refused, but in my mind there is none which so strongly demands it. By what has come to our knowledge, it appears, that a convention was concluded. Ministers refused to ratify this convention till it was

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too late, and have, I fear, thereby confirmed the French in the possession of this valuable acquisition, or at least hazarded the lives and reputation of the brave army which it sent against them.

Having considered the conduct of government in war, let us now turn our attention to the probability of success which belongs to them in their attempts to restore peace with France. I certainly thought that the offers made by the chief consul, when scarce warm in his seat, could not with propriety have been accepted; but it does not therefore follow, that I should approve of the manner in which his overtures were rejected, still less that I should forbear to reprobate the insulting language which was held by ministers and their adherents in this and other places. With utter astonishment and indignation I heard the late Secretary of State pronounce a laboured philippic against Buonaparté, a conduct in my opinion something worse than impolitic and childish. It will not be imputed to me that I am the panegyrist of Buonaparté. He is the enemy of my country, and therefore my enemy. But I should be heartily ashamed of myself if, on this account, I refused to acknowledge his unrivalled abilities and glorious achievements. In the powers of oratory ministers may indeed claim some superiority. In every other respect, however, when I draw the comparison between the two governments, I blush for my country. But this ill-judged and vulgar abuse of the person who directs the affairs of France, is important only as it may probably throw obstacles in the way of that peace which is on all hands confessed to be desirable. Buonaparté is undoubtedly a great man, but he still has the common feelings of human nature, and I should not be surprised if the war were protracted in consequence of the intemperate folly of the government of this country. The next point is the conduct of government to our allies, and more particularly to Austria, on whom we have profusely lavished our treasures, in order to induce her to continue the war, after it was become manifest to all the world, that the only effect of protracted hostilities, would be an increase of difficulties to the Emperor, and of triumphs to the common enemy. At least, I think it must be admitted, that such has been the case since the armistice concluded at Hohenlinden, which the Emperor appears to have broken in consequence of the advice of his majesty's ministers, and thereby to have ensured to himself the disastrous consequences which have ensued. On this occasion I appeal to any military man who hears me, and confidently ask him, whether he thinks it was possible in the nature of things for Austria to reap any advantage from the winter campaign which ensued in consequence of the rupture of that armistice; or rather, whether the necessary result of a contest between two such enemies as those of France and Austria, under the particular circumstances in which they stood, was not such as we have witnessed. The French, flushed with victory, confiding in their chiefs, and ready to attack in a mass at any given point. The Austrians discouraged by repeated defeats, disorganised, without confidence in their leaders, and above all persevering with infatuated obstinacy in attempting to defend a long tract of country against an attacking enemy. It is true, they had been enabled by the armistice to repose and to recruit their strength; but these advantages belonged equally to their opponents; and I cannot help, upon the whole, concluding, that ministers, in advising and enabling by their subsidies the Emperor to continue the war after the armistice of Hohenlinden, have lavished the resources of this country, not only to no good purpose, but to the injury and ruin of our ally, and of the common cause in which we were engaged.

I come now to the conduct of this government to neutral nations, and in doing so, shall not enter into the question of those rights claimed and exercised by this country, and which are supposed to have occasioned the northern confederacy in order to overturn them, but on this part of the subject shall only observe, that although I cannot quite agree in the doctrine which we have heard from high authority, of a certain divine and indefeasible right of searching neutral vessels, I am ready to admit, that upon whatever ground it may rest, it is certainly the interest of this country to exercise such a right, nor am I about to dispute the propriety of exercising it. I must, however, be allowed to express a doubt, whether it has lately been exercised without violence and injustice, and whether in this respect, we have not very much provoked the hostile confederacy which appears to be formed against us,

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At least the matter is worthy of inquiry, and ministers owe to us a justification of their conduct in this respect. But I must repeat that in other respects our conduct to neutral nations appears to me highly culpable and disgraceful. We have uniformly, during the present war, insulted the weak, and conceded to the strong. In the late instance, at the time of our menacing conduct to Denmark we were crouching at the feet of Russia, who was loading us with insults, and evidently only waiting for the opportunity of committing the outrage which we have since witnessed. I call upon ministers to explain their conduct in this respect, and to inform us why they did not show the same disposition to Russia that they did to Denmark. Why the fleet which was sent to menace and overawe Copenhagen, did not proceed to Petersburgh to demand reparation for the insults that were then offered to us in dismissing our ministers and agents, and even in laying a temporary embargo on our ships? At that time it was perfectly evident that the emperor Paul was only waiting for the opportunity which the shutting up of the Baltic by the ice must necessarily give him, and which we know he immediately seized, by taking possession of our ships and their cargoes. If, instead of temporizing and flattering this great potentate, we had treated him while we had the power in the same manner as we treated the inferior state of Denmark, we might possibly have prevented the degrading consequences which have ensued. Ministers, however, showed no disposition to assert the honour of the country, by resisting those hostile and insulting proceedings of Russia, till they were at length obliged to notice them in the king's speech, and then they advise his majesty to hold strong and menacing language to Sweden and Denmark as parties to the northern confederacy formed on the principles of the armed neutrality of 1780, and on that ground in effect to declare war upon those powers, but at the same time to pass over in silence another power Prussia, a party, as it evidently appeared, in the same confederacy. I then contended, and still must contend, that it was unbecoming the dignity and honour of this country, to temporise and flatter Prussia, because she had more the means of injuring us, at the same time that we denounced vengeance upon other states less able to injure us, or to resist our power.

It happens rather singularly, that almost at the same time that the contrary was implied by the silence of his majesty's speech, his minister at the court of Berlin, was officially stating his knowledge of the circumstance of Prussia's being a party to the northern league; and, while his majesty was advised to declare that this very league induced him to consider Sweden and Denmark as his enemies, his minister was telling Prussia that the same circumstance convinced him they were his friends. [To prove this the noble earl read an extract of lord Carysfort's note, presented the 27th of January to count Haugwitz, and also the answer of the count thereto]. Now, my lords, I must contend, that upon the face of the whole of the conduct of government, with respect to neutral nations, there appears strong ground of blame, or at least of enquiry.

I must now advert to the state of things at home. With respect to finance, far be it from me to depreciate our resources, or undervalue our means of exertion, which have already exceeded the expectations of the most sanguine; but I cannot help referring to the serious consideration of your lordships, the accounts on your table, which prove that in the branches of customs and excise only, the revenue of 1800 falls short of the preceding year near two millions. There is another subject, with respect to our internal situation, the most serious and important of all. I mean the high price of provisions, to which I must again advert, as a strong ground of enquiry under the present circumstances of the country, and the conviction impressed upon my mind, that in this respect ministers have much to answer for. In what I am about to state, I beg to be considered as intending nothing disrespectful to the legislature, which, undoubtedly has been misled, by persons whose authority has been supposed unquestionable; but who, by their conduct on this occasion, have proved that whatever their abilities may be on other subjects, in this they are equally ignorant and presumptuous. Of this charge they stand self-convicted in the measure to which I principally allude, I mean the Brown Bread act; an act which has rather raised than lowered the price of flour, and created much discontent among the lower orders of the community; and all the other measures adopted to remedy these evils have either been decidedly mischievous or absolutely nugatory. If then, as I think,

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this calamity has been much aggravated by the misconduct of those in power, is it not incumbent on this House to enquire into such misconduct, before it agrees to continue to them its unlimited confidence?

Upon such grounds as I have endeavoured to state, the question principally rested, when I first gave notice of my intention of bringing it forward, at the opening of the session. Since that period other grounds have arisen so extraordinary in their nature, that on them alone I think I might safely venture to rest the motion I shall have the honour to make, and call upon your lordships to clear up the mystery in which the present situation of the country, and the conduct of the late ministry is enveloped. Amidst the general feeling which was more or less impressed on the minds of all men, at the meeting of the united parliament, that the country was in a most critical situation, there was one topic on which all appeared disposed to dwell with satisfaction, and with perfect unanimity to offer congratulations to their king and country, I mean the union with Ireland. Whatever difference of opinion might have prevailed during its progress, and however little worthy of praise some of the means by which it was effectuated may have been, when once concluded, there appeared but one feeling of a sincere wish to make it turn out to the advantage of the empire; and at that time, amidst all our anxieties and calamities, to this part of our situation we thought we might look with complacency and hope. Ministers, however, as if anxious that no ground of satisfaction should remain to the country, have since taken care to deprive us of this advantage, which we imagined we possessed, and by a conduct, the most unaccountable, have, as far as depended on them, deprived us of this only remaining source of consolation. Why ministers should have been in such extreme haste to introduce the question of Catholic emancipation I cannot imagine. I do not even believe the Catholics of Ireland desired or expected that it should have been so prematurely brought forward. They would, I think, have been contented to have suspended their expectations till the country might have been extricated from some of the difficulties of its critical situation. But after having brought the question forward gratuitously, and in the manner, of all others, most likely to inflame and irritate, after having themselves made the discussion a matter of necessity, ministers deprecate all discussion upon this delicate subject. But will your lordships therefore refuse to investigate their most extraordinary conduct in this respect; or if they are conscious of having acted right, as they say they are, will they not themselves endeavour to dissipate the cloud which hangs over the whole transaction? As it appears to the public, they have deceived every description of persons in Ireland, and here they have deceived their sovereign himself. And after having done so, they have the audacity to publish to the world, that he is in the wrong, and they are in the right; inverting thereby, the salutary maxim of the constitution, and almost directly stating, that the king may do wrong, but that the ministers cannot. My lords, I should be extremely sorry to impute any thing like high treason in this place to any man or any set of men, without positive and direct proof. I am not sufficiently acquainted with the law to define exactly what is, or what is not treason; but I will venture to state, that a paper, circulated in the public papers, and purporting to be the sentiments of his majesty's late ministers, addressed to the Catholics of Ireland borders closely upon it. The circumstances of their retirement from office, are, in every respect, inexplicable. Some inquiry into this is at least necessary to justify them if they can be justified; or to consign them to censure and even to punishment if they should appear to deserve it. The only construction which at present it is possible to put upon their retirement, the only point of view in which the public, uninformed as they are, can see it, is an unfavourable one. For either it must appear to them, that it is a trick or juggle, and that the leading members of the late cabinet found it convenient to retire for a time, in order to resume their situations with more effect hereafter, or that having brought the country, by their misconduct, into a most critical situation, they desert their posts in the hour of danger. That they do leave their situations in a time of unexampled peril and calamity is manifest, and this alone, if other reasons were wanting, would imperiously demand inquiry. What the merits of their successors may be we know not; there is, however, every reason to believe that they will tread in their steps, and act upon the same plans and

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systems; and succeeding to all the disadvantages of their predecessors, their most sanguine friend will hardly give them credit for the same experience and abilities.

I have thus, my lords, stated what I conceive to be the principal grounds which ought to induce your lordships to institute an inquiry into the state of the nation. I have shown what I conceive to have been the misconduct of government, in the prosecution of the war, in their attempts to make peace, in their conduct to foreign nations, whether allies or neutral, and in their management of affairs at home. I have called the attention of the House to the unfortunate circumstances which have lately occurred, with respect to the resignation of ministers, and the supposed causes which produced that event. I have laid before the House, without disguise or reserve, what I feel to be the situation of my country in the hope of inducing it to take the only means by which it may be enabled to divert the black cloud of calamity which appears ready to burst over our heads. We have been too long in a state of unaccountable apathy, with respect to public affairs, and though our situation becomes worse and worse every day, we appear determined to persevere in the system of blind confidence in those who have reduced us to this situation. From this state of apathy and blind security, I wish if possible to awaken you; I wish to recall you to what I think you owe to your fellow-subjects and to yourselves; and I conjure you to endeavour to regain their lost confidence, and your own lost dignity before it be too late. "Awake! arise! or be for ever fallen." My lords, I move, "That this House do resolve itself into a Committee of the whole House to consider of the State of the Nation."

The Duke of *Montrose* said, he did not question the right of any noble lord to move an inquiry such as the present, nor that of the House to go into the inquiry: he knew it was sometimes even the duty of their lordships to do so; but that right, he would assert, was restrained in its nature by discretion, and by the utility of the object; and their lordships would not incur the inconvenience of the inquiry now proposed, without having first ascertained the magnitude of the object and the necessity of the measure. The noble lord had included a great number of topics in his speech. It would demand the attendance of many officers, and employ his majesty's ministers, when the affairs of the nation peculiarly demanded their attention, to go into the inquiry. One of the objections he had to the motion was, the generality and number of the topics; but he had another, in the alarm that an inquiry would create in the country; it would be concluded from going into the subject, that imminent danger threatened us. The motion was for an inquiry into the state of the nation; but failures in the conduct of the war were no reason for an inquiry to that extent. The Ferrol expedition might be an object of inquiry; but not of an inquiry into the actual state of the nation. The noble lord had spoken of Ireland: there might be reason to agitate that question; but a specific motion to that effect would be the proper mode. The noble lord had introduced the question of the neutral powers: it had been discussed on a former day, and the right of this country, in that question, had been so ably discussed by a learned lord (Eldon), that he should only say, that the conduct of his majesty's government in that affair exhibited in a happy light the energy and spirit of the country. Success and prosperity were to be argued from that conduct. He would recall to their lordships recollection the example of the Romans, who, after the disastrous battle of Cannæ, thanked their general that they had not despaired of the country. Prussia, under the great Frederick, was another example of magnanimity and success. In this country there was a noble instance, when the Armada was prepared to destroy it. In the degenerate times of the Romans, under their feeble emperors, they exhibited a contrary example, buying short respites and inglorious temporary ease, from their enemies. Prussia, under princes different from the great Frederick, had bought a transient deceitful peace from France, and would one day discover the folly as well as ignominy of that conduct. England still resisted, and would resist, the ambitious enemy. The noble lord complained that ministers went to war with Denmark, and did not attack Russia. The noble lord forgot the difference. We could not come at Russia at present for the ice; but we might reach Denmark. He could not understand the objection. We took the Danes first. Where was the error, if part of the enemy could be crushed first? It might be more magnanimous to say to

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them, "We will not take you, Danes, because you are weak, till we have attacked Russia, whom it is difficult to reach." But his majesty's ministers took a course at least more prudent; they did not wish to have any enemies; but when compelled, by aggression, to act, they acted at once nobly and wisely; they resolved to maintain the country in its rights. The noble lord next made the scarcity an object of inquiry. He spoke not very courteously of the committee employed on that subject. He thanked the noble lord in the name of the committee. The committee, however, had dedicated much of their time to the great object before them; and he hoped their labours would not be wholly fruitless, although they had not been so fortunate as to hit upon schemes that might rival the celebrity of those of the noble lord.—The system of alliance, and the system of carrying on the war, were next offered to their lordships for inquiry; but he would suggest the difficulty attending the proceeding: their lordships could not order general Bellegarde to their bar: he should be glad to have the opportunity of asking the generals of the allies a few questions to satisfy his curiosity; but the House must be content without that power: nor were their lordships made acquainted with those better ideas of carrying on the war which rested in the breast of the noble lord. Besides the general conduct of the war, the money expended was to be an object of inquiry. The money had been wisely expended in drawing the enemy from an attention to their marine and colonial interests, to oppose the allies that we had subsidised. It was a policy pursued by all former ministers. He called on their lordships to reflect on the danger of invasion, arising from the want of allies to divert the immense forces of the enemy. With 300,000 men in arms, and no enemy on the continent, what might not France attempt?—The last campaign was the next object of inquiry; he would maintain the wisdom and policy of the plan: the great object of England was, to divert the attention of the enemy. In that the success was complete. France was alarmed for Holland, Belleisle, her arsenals, and La Vendée. If the allies had been successful on the Rhine, France would have been compelled to draw her troops from the interior and the sea coast; from which a successful and important impression might have been made on the coast of France by this country. As it was, with 16,000 men we had kept the coast alarmed, and filled it with troops from the Helder to Carthagena. An army of the enemy was found wherever we went. An attempt was made on Ferrol, hoping that we might strike a blow there. The hon. general who commanded the expedition found an army there; and, greatly to his honour, took upon him the responsibility of a retreat, preferring the public service to his own reputation. The grand operation of the English in the campaign was diversion, and that had been fully effected by the prudence and good conduct of the generals. He should therefore give his decided negative to the motion.

Lord *Holland* said:—My lords; the right of the House to inquire is acknowledged; but we are told that its exercise would be unwise in the present circumstances of the country. Strange, indeed, to tell us, that, when the circumstances in which we are placed are so critical, we ought to forbear to inquire into the causes by which our danger has been produced, that we may choose the best means by which it may be avoided! Strange, that we should be told that it is necessary to defend the country, while the House is forbidden to employ its wisdom to devise how danger may be best repelled, and defence best conducted! Motions of a similar kind have been entertained by this House, and the most beneficial consequences have resulted from them. "But, to inquire would be to create alarm in the nation." For my part, I entertain no apprehension of any such effect. To enter into the inquiry would show the country, that the system of confidence which had produced so much calamity was at an end, and that parliament was returning to that station in the constitution which it ought to hold, and to the exercise of those functions which it never suspends for any long period without compromising the public cause.—With respect to the northern confederacy, it ought to be considered, whether the principle maintained by this country is in itself just, and whether it has been exercised in such a manner as to be free from all reproach? It ought to be considered too, whether we ought to maintain it in the bullying manner we have done? For more than a century past, it has been the policy of England to raise up confederacies against France for the general defence

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of the liberties of Europe. Now, this question of the northern confederacy has given to the war a popular and plausible pretence, and afforded an opportunity to stir up against us a confederacy of powers never before found in the scale of our enemies. In deliberating upon this delicate subject, it is peculiarly necessary to proceed coolly. The popular topics, of the national dignity, and the honour of our flag, may be used with uncommon effect. These addresses, however, should be received with caution. While justly jealous of the real honour and dignity of the nation, we should remember, that, under the false colours of these pleasing names, every thing rash, absurd, and violent may be introduced and defended. It is observed by Machiavel, as one of the defects of popular governments, that they are apt to be hurried into intemperate courses by a spirit too jealous and too much alive on any subject that seems to involve the national honour. We should be careful, therefore, to consider impartially, as well what the public honour, as the national character of justice and moderation demand—My noble friend complained, not that ministers did not go to war with more nations, but that they directed all their vengeance against the weak. It is indeed matter of reproach, that while all Europe is conspiring against us, on the pretence that our policy is so narrow and confines the commerce of other nations, we should have fallen upon those only that had most commerce, though weakest in resource. This is to give countenance to the suspicion entertained, and to inflame that animosity in which the dispute originates. In looking back to the wars between Carthage and Rome, we find Carthage animated by that spirit of commerce which eyes any competition with jealousy. We must recollect that the high tone with which that commerce was maintained, was essential to the safety and prosperity of Carthage. It was said, that the Romans should not even wash their hands in the Sicilian sea. Other nations view our pretensions as in some degree partaking of this spirit. We ought to be careful to ascertain the justice of our claims, and still more to see that they are exercised without rigour. In the manner in which our pretensions have been asserted, it will be found that there has been little prudence and conciliation. Doctrines have been held in this House by a noble lord, fortunately for the country no longer in office, the tendency of which was, to show to Europe, that, during every war between this country and France, there could be no neutral nations at all. Was it wise, just, and seasonable to hold forth such doctrines? Let the justice of the question be as it may, let the policy of maintaining what is considered our naval rights be what it will, there is ample ground of inquiry, were it only to ascertain how, at this critical moment, this point was drawn into the present hostile discussion.—The noble duke next indulged himself in a strain of mirth about the difficulty of bringing the Austrian generals to the bar of the House, to give an account of the causes of their defeats. My noble friend, however, only objected to the system of subsidies as it had been employed by ministers, and to the obstinacy with which they instigated the Emperor to maintain a hopeless contest. The question is not, whether, in all cases whatever subsidies to foreign powers are impolitic; but whether, in the present instance, they had been wisely applied? He proposed to inquire into these particulars; and such inquiry on the face of it is the more necessary, as those subsidies have been large in their amount, unsuccessful in their application, and attended with calamity to those whom they professed to aid.—If we look back to the rejection of the overtures of Buonaparté, we shall find more grounds of inquiry and of censure. I remember, when the correspondence on this subject was first under discussion in this House, several noble lords declared that they justified by their votes the conduct of ministers on that occasion, upon the general confidence they reposed in them, though they regretted that the question had at all been submitted to the consideration of parliament. That rejection having been attended with so much calamity, every argument on which it was justified having been confuted by experience, it becomes the duty of those noble lords to inquire into the merits of a measure which they allowed to pass unquestioned on grounds of confidence. The noble duke, however, comes to the battle of Marengo, and infers, that if the Austrians had but gained that battle, every thing would have gone well; and the throne of France would have been re-established. But supposing these conclusions, will it be said that it was prudent, after the battle of Marengo, to instigate the Austrians to persevere in

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the contest? After their defeats in Germany, and the disasters of the whole campaign, was it justifiable in ministers to drive Austria to the hazard of new disgrace and disaster? Is it not worth while to ascertain, whether, on the last proposals of the French government for peace, Austria called upon us to refuse to negociate? It is important to know, whether, at the time when we refused to listen to the overtures of Buonaparté, on pretence of good faith to our ally, we were not employing every intrigue to prevail on the Emperor to persevere in the contest, and to give us an excuse for declining negotiation. If such was the fact, the refusal of the separate overture in October last can be imputed to nothing but the determination of ministers to shut the door against all accommodation. Is it not fit to inquire likewise, whether it was not for the advantage of Austria that we should have accompanied her in a separate negotiation, and whether, if that course had been pursued, Europe might not have enjoyed the blessings of peace? Besides, was not the northern confederacy known by ministers to be then under discussion? Did they not know that Prussia was engaged in that transaction? Were not all these circumstances so many additional reasons why it was desirable to conclude peace?—Of the change in his majesty's councils, I shall only say, that I should have considered it in itself fortunate for the country, if the cause alleged for it did not mitigate the satisfaction. Though ministers have quitted their offices, they have left behind them the unhappy effects of their system. If, however, a minister, who has conducted the affairs of a country to its ruin and disgrace, chooses to retire upon the pretence of a popular question which he has for a moment taken up, ought this pretence to shield him from inquiry and from censure? It is necessary to censure and to punish the authors of past calamities, to prove that the system of confidence is at an end. With respect to Ireland, I have no hesitation in saying, that a system of conciliation ought to be adopted, and that there should be a total removal of the disabilities under which the Catholics labour. I cannot give credit to those men who were formerly the enemies of the Catholic claims, for being now sincerely connected in their support. But because the late ministers have thought proper to go out of office, on pretence of being attached to a popular question, must the criminal escape? Must all the calamities, disgraces, and disasters of a long administration be immediately forgotten? That the new ministers come into office hostile to the Catholic claims, is of itself sufficient to raise a doubt that they cannot carry on the affairs of the nation with success. If, however, they show themselves seriously disposed to treat for peace in the spirit of peace; if they are willing to repair those breaches which their predecessors have made in the constitution, they will at least soften much of that opposition which I should give to their measures. The best pledge they could give of their intentions, however, would be, to vote the inquiry that is proposed.

The Earl of *Westmorland* said, that with respect to Catholic emancipation, the Catholics were now admitted to a participation of all the privileges of the constitution, and were only excluded from holding about thirty offices of public trust, and from sitting in parliament? But had noble lords considered what they would have to do if they took off those inconsiderable disabilities under which the Catholics now laboured? Were they aware that it would be necessary to meddle with the Toleration act, the bill of Rights, the act of Settlement, and probably the act of Union with Scotland? Noble lords had insisted much upon the bad success of the war. A person ignorant of our affairs, must have supposed, in perusing their speeches, that our armies were defeated, our colonies taken, our commerce destroyed, our fleets shut up in our own harbours. But what would he think when he was informed that all these circumstances were descriptive of the situation of the enemy, that the commerce of this country was increased, our colonies extended, and our navies triumphant on the ocean? Much had been said of the failure of expeditions; but if the operations of the present war were compared with those of any preceding one, the comparison would not turn out disadvantageous to those who had conducted the present difficult contest.—With respect to foreign subsidies, he defended the use of them; and argued, that if other states did not do that which their true policy and their permanent interest dictated, it was extremely unjust to impute the blame to the government of this country. He contended, that the rights of this country, in regard to

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neutrals, were justified by the practice of Europe for centuries. So far from forcing the Northern powers into war, ministers had done every thing to prevent it. Upon the recent offer of a negotiation, he was convinced that nothing had been omitted that could really contribute to obtain a safe and honourable peace. If the present motion was agreed to, it would lead Europe to think that parliament had departed from the firmness it had hitherto displayed; that the country was disheartened; and that, by waiting a little longer, France would see us at her feet. For his part he relied more upon the effort of sir Hyde Parker, lord Nelson, and lord St. Vincent, for an honourable peace, than upon any negotiation.

The Earl of *Carlisle* said, he was one of those who supported the late administration, from a conviction that the measures which it pursued were the best that could be devised. If, then, the present motion conveyed a censure on those measures, he should have thought it improper. But there was a mystery in our situation on which all doubt should be removed. We had seen a strong administration broken down, but had not seen the reason. Our difficulties were increasing every hour, and required an administration strong in proportion. Now, he would ask whether the new ministers, as yet untried, were that administration, and whether they enjoyed the confidence of the people? It might be objected, that this was judging of them before trial; but was the country in a situation to make the experiment? Great abilities certainly had been taken away from administration, and what the residuum might be it was impossible then to decide. He wished to be informed, who were the responsible ministers during his majesty's indisposition? He would ask, who were the men that advised his majesty to select the present new, and inexperienced men? He would ask, whether it was a justifiable act to place his majesty, at such a time, in such a severe and dangerous situation? He would ask, why, if any difficulty arose in the executive, recourse was not immediately had to the heir apparent? These were the points on which he wished for information, and these were the questions which he would put in a committee of inquiry. He might be told, that the new ministers would act on the principles of the old. Admitting it to be so, yet the same principles would not be exercised with the same vigour. But it was said, the late ministers would support their successors; and, though they had retired from office, would still remain behind the present administration, to assist it with all their talent and experience. This, however, was a poor conceit, which could never answer their expectation. In whatever point, therefore, it was considered, our situation was extremely mysterious, and required light to be thrown upon it.

The Earl of *Suffolk* took a brief view of the different expeditions which had taken place during the war, and contended, that, for the honour of the army, inquiry was loudly called. He adverted to the advice which Mr. Pitt had given to Austria as a spectator, which he conceived had been the means of reducing the Emperor to his present deplorable situation. Nothing but the generosity of the conqueror had saved Vienna from destruction.

The Earl of *Moira* said, that nothing could be more destructive to the best interests of the country, than a blind system of confidence; and therefore he thought the House were called upon to proceed with all possible dispatch in an inquiry into the real state of the country. A noble lord had contended, that the expedition to Ferrol had been beneficial in exciting alarm on the enemy's coast, and in distracting their armies. But if this argument was good for any thing, the forces employed in this expedition might, by another disposition, have excited a much greater degree of alarm. If these troops, which had thus been employed on a fruitless expedition, had been kept hovering over the French coasts in the Mediterranean, could the First Consul have spared a sufficient number of troops to have attempted the passage of the Alps, or by his decisive victories in Italy have dictated an armistice to Austria? The failure of the expedition to Ferrol had been farther defended, on the ground that it was hazardous; but if the mere hazard of an enterprise was sufficient to deter from its execution, what expedition could ever be attended with success?—Were he now to argue the point of the right for which this country contended, he would be compelled to do so on a mere speculation; because no documents had been laid before the House. Before he could form an adequate opinion, it was requisite that he should know all the cir-

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cumstances under which the right was asserted; that he should see whether the Northern powers were disposed to resist the right, from the manner in which it had been exercised during the war; or whether it was a new principle which they were now resolved to assert by force of arms? He wished, therefore, that the House should go into the committee, that the whole subject might be fully explained. Whatever was the nature of the right, it was undeniable that the manner of its exercise had excited general dissatisfaction, and in all probability had given birth to the present confederacy.—There were other things, however, which called still more loudly for inquiry. The stoppage of cash payments at the Bank—the mutiny in the fleet; and above all, the rebellion in Ireland, were still in the recollection of the House, and had each, in their turn, an influence in reducing the country to a state of distress. True it was, that the country had got through the difficulties; and sorry he was that the abilities which had enabled it to surmount them, were no longer at the head of public affairs. In the present state of the country, peace was earnestly to be desired. But the circumstances under which the new ministers had come into power, would have a natural tendency to retard its conclusion. The new ministers seemed determined to follow up all the violent measures which their predecessors had pursued. Instead of making any attempt at conciliation with the Northern powers, they had permitted the fleet to sail for the Baltic; and thus had, as it were, superseded the use of any future conciliatory measures. The Northern powers, indeed, might not be very formidable as enemies: it was not so much the actual force of these states that we had to apprehend, as the injury we must sustain from the interruption of our commerce. The shutting up the ports of the Baltic, at this moment of distress, was an object of the greatest concern to us. We now stood, in his opinion, upon the brink of ruin. If it was asked, what the country ought to do? his answer would be, that we ought seriously to inquire into the state of the nation, we ought to examine into the condition of the finances. We would find that in the customs and excise there was a deficiency of near two millions; and, having investigated the state of the finance, he should then think it right to address his majesty, calling on him to afford consolation to the people, and to relieve their apprehensions. If the new administration acted upon the principles of the old, the country could not hope for peace. At the time of the negotiation at Lisle, it appeared from the confession of the agents of the Irish directory, that the French must have made peace if we had been inclined; but that they were of opinion that this country was not sincere in its proposals. He was afraid a notion prevailed in France, that, though there was a change of ministers, there was no change of principles; and that the old ministers had merely stepped aside to make room for new ones who might attempt a peace, but who could not keep the late administration from regaining their seats whenever they pleased.

Lord *Grenville* said, that nothing could be more unfounded than the proposition which had been advanced, that their lordships had been called upon to shut their eyes to the state of the country, because they were afraid to encounter all the danger of their situation. Their lordships were not called upon to shut their eyes to the real situation of the country; they were merely asked not to listen to the exaggerated representation that had been made of the dangers with which we were threatened. If he could consider the present motion in the point of view in which it had been represented by noble lords—if he could consider this as a motion calling upon that House to interpose and save the country, he should adopt a different line of conduct; but, viewing the subject in a totally different light, he should undoubtedly give it his decided negative. It was at all times the duty of parliament to look at the situation of the country; but more especially so in moments of alarm, whether that alarm was well or ill-founded. But he could not avoid considering it as a fallacy, to say that their lordships, by refusing to go into this committee, were shutting their eyes to the condition of the country. For whatever might be the formal terms in which the motion was couched, the real effect of it would be, to hold forth to the public, that they were dissatisfied with the measures which had hitherto been adopted, and that they wished to go into this committee to try all sorts of experiments. This was not the line of conduct which, in his opinion, the country ought to adopt; for if it had, during the whole of this arduous contest, been preserved

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from ruin—if the established orders of society had been preserved—if the great object for which we had contended had hitherto been obtained, that success could only be attributed to the vigour of parliament, to the manly spirit and perseverance of the country, and to their not giving way to idle speculations and unfounded alarms. No noble lord had attempted to state any advantage that would result from going into this committee; and, in fact, it could have no other tendency than to show that we were alarmed at the nature of our situation, and did not know to what remedy to have recourse. — He would now consider some of the observations which had fallen from the noble earl who spoke last. The first point which the noble lord said he would propose for their consideration, was that of the finances. If their lordships wished to obtain any information with respect to the finances, that object could easily be obtained by a motion; consequently, it was not necessary to go into a committee, in order to obtain information upon that subject. The noble lord had noticed a deficiency in the excise and customs. In the first place, that deficiency would be more than made up by the general produce of the revenue; but it would be proper to consider, whether the deficiency could not be accounted for from temporary circumstances. Their lordships must be aware that it arose from the defalcation of the duties upon malt, beer, and spirits, in consequence of the late unfortunate season.—The noble earl's next proposition was, that his majesty should be addressed to hold out some consolation to the people. Their lordships would probably be inclined to ask in what manner his majesty could understand such an address, and how it could be complied with, before they gave their assent to the proposition? Another noble earl (Carlisle) had made some allusions to the new administration, and had given his assent to the proposed committee, in order to clear up what appeared to him something like a mystery in the change which had taken place. He was not aware of any mystery in the transaction. It could not be said that his majesty's late servants had retired from any apprehension of the difficulties of the country; if that had been their motive they had been rather late in their resignation; if that had been their motive, they would have withdrawn themselves from their situation, without making themselves responsible for a measure which some of their lordships seemed to think the most impolitic. Something had been insinuated about a trick and a juggle; and about ostensible ministers with others behind the curtain influencing their conduct. The noble lord who had made that observation had expressed a very high opinion of the late administration; and surely, therefore, could not suspect them of adopting such a line of conduct. For one, he begged leave to declare, that he was incapable of advising any public measures for which he was not personally responsible. Having said thus much in vindication of his majesty's late ministers, he thought himself bound in justice to add, that he believed those who had succeeded them in office were incapable of acting in the manner which had been insinuated. They had taken office, as public men ought to take it, with a view of rendering service to their country, and consequently of doing credit to themselves. Another observation which had been made was, that the late ministers had stepped aside in order to make room for others less obnoxious to the government of France, and who therefore might with greater facility conclude a peace. He did not think that any person who had observed the conduct of the late administration would seriously charge them with such conduct; and, in his opinion, an administration was not the less likely to maintain the interests of this country, because they had incurred the hatred of its inveterate enemy. He had, upon a former occasion, distinctly stated the grounds on which he and his colleagues had quitted office. He had stated, that their resignation proceeded from their inability to propose a great public measure in the manner in which they conceived it should be brought forward. But if he was of opinion that other subjects which had been alluded to would be more properly discussed in distinct motions, he thought so more particularly with respect to this subject. Whenever the subject came to be discussed, he should give every explanation upon it, and state its bearings and extent; for it was not an object that could have been attained by one barren measure. They did think that a considerable alteration might have been made in our laws upon this subject, without giving any shock to the constitution either in church or state; they thought that it would be practicable and necessary to substitute

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other securities, more consistent with the union and harmony which ought to exist between every part of the united empire. Farther than this he would not at present enter into the question. But surely there was nothing mysterious in persons giving up their situations, because they did not feel themselves enabled to bring forward those measures which they deemed necessary for the public advantage!—A noble lord, in order to prove that ministers were not sincere in the negotiations for peace at Lisle, had stated an anecdote for which he could assure the House there was not the slightest foundation. The noble lord was also mistaken in supposing, that any wish had been expressed that the negotiations at Lisle might not succeed. This mistake had arisen from a gross misrepresentation of something that had been stated in another place. It was there stated, that, under the then state of affairs, it was rather a fortunate circumstance for this country, that the sincere wishes for peace, which we had expressed, had not been met with equal sincerity on the part of the enemy. Without relying upon the declarations of recorded traitors in Ireland, he would remind their lordships, that the negotiations at Lisle were broken off, because there was a revolution in the government in France, and the new rulers had at once put an end to the negotiation.—With respect to our treatment of neutral nations, in defence of our rights, was there one among their lordships, who would say that the exercise of those rights in war was not essential to our naval power? With regard to our conduct to the northern powers, he was satisfied that, when the documents should be laid on the table, it would appear that ministers had done almost too much to avoid extremities. Our enemies had entered into a convention, by which they bound themselves to carry certain regulations, involving the interests of this country, into effect by force. These were pretensions which should not be submitted to; and if they were, it was his solemn opinion that our ships should be immediately paid off, and the country relieved from a burthen which could be of no use to it in peace or war, if these rights were once abandoned. Our not attacking Russia sooner was easily accounted for by the season of the year, which gave it the protection of the ice; and the distinction which we had made between that country and Prussia had also an equally obvious foundation. Prussia had not proceeded the same length: if the court of Berlin should attempt to enforce these extravagant pretensions, then it would be the duty of government to consider her in the same light as Russia; but in the present state of affairs, he did not think it wise to precipitate a rupture. He always conceived a safe and honourable peace to be desirable; but he was convinced that, by the mode proposed, nothing but an unsafe and dishonourable peace could be obtained.—His lordship next vindicated the language of his correspondence with the French government from the charge of asperity, and contended, that Buonaparté never showed a desire for peace, except on grounds on which he knew it could not be accepted. Thus, when he knew that we were engaged by treaty with the Emperor, he proposed a separate peace; afterwards he proposed a naval armistice, as the preliminary; and when he found we were likely to agree to it, he broke off the negotiation; and lastly, he mixed up the question of peace with that of neutral rights. Peace, however, was desirable, and he was convinced that ministers would avail themselves of the first opportunity to procure it: and that the House could not more effectually enable them to do so, than by resisting the present motion.

The Earl of *Carnarvon* said:—No argument has been urged against the motion, but that the appointment of a committee would create alarm in the public mind. The alarm is unfortunately already in every breast; if it is ill-founded, the inquiry will make it subside; if real, it is fit that parliament should open its eyes to the public situation. The misunderstanding which subsists at this moment between Great Britain and four of the Northern nations, lately our friends or allies, is a very important subject of inquiry. It is too much to expect of us, to suppose it all equity on our side, and all error and injustice on theirs; every thing admits of false colouring; and it is very seldom that ministers place an object which concerns the public in a true light by accurate information; it is generally their intention to lead, not instruct them. The apparent ground of the misunderstanding, as represented by ministers, is the denial by those nations of what we have demanded and practised as the right of all belligerent powers by the law of nations. Here is a very great reason to doubt whether this

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is the real or assigned cause of the war: it can, however, be no doubt but that ministers have plunged us into this war with our late friends, with the utmost precipitation, and without laying before parliament the particulars of our claim, or their objections. The king, in his speech at the opening of the session, says, that Russia had entered into a convention with the courts of Copenhagen and Stockholm, and that his majesty had been informed from one of the parties, that it had for its object the denial to Great Britain of its just rights. Surely it is something precipitate, and not quite consistent with justice, to lay an embargo on the vessels of Denmark and Sweden without desiring from them any explanations of their conduct, on the sole representation of Russia, already disposed, for other reasons, to a rupture with Great Britain. This is not the fair line of conduct between friendly nations. I certainly have a doubt of the justice of our conduct under the law of nations, and I have much more than a doubt whether the neutral code is the real cause of the dispute. Ministers should have attended to the policy of our conduct, as well as the right, even if it could have been strictly defended under the law of nations. It is obvious that Russia was friendly to us, till within a few months, during the whole course of this war with France. During all that period she never objected to the conduct of Great Britain, nor revived her former claim respecting the search of her ships. The cause of objection must have equally existed, but not the inclination; if ministers have rashly excited that indisposition, which it was so much our interest to conciliate, they have acted like waspish children, disregarding our interest to indulge their humour. This indisposition of Russia never appeared till she was refused the possession of Malta, which we had beyond all doubt given her reason to expect. Russia having warmly resented our conduct respecting Malta, very naturally laid a ground of quarrel, which she knew, by experience, would unite other nations more readily to her cause than the question of Malta would do. It is, therefore, a subject of inquiry, in the first instance, whether his majesty's ministers have acted with prudence and good policy with respect to Malta, which is the true source of all our embarrassments with our allies, and the cause that our implacable enemy is strengthened by the accession of all the Northern powers.—The next question for inquiry is, whether the combination respecting the neutral code can be averted by avoiding to bring that question to issue at this critical moment, and also, whether we are justifiable in our claims on that head? I never denied that any rights of any nature may not be acquired by treaty, or that the catalogue of goods contraband in war might not be enlarged by treaty; in which case such rights would depend upon the contract, and be a question solely between the contracting parties, and perfectly independent of the law of nations; but I have said, that claims originating in treaty cannot rest on the law of nations; and I have great doubt, whether a contract with any one nation abridging the catalogue of goods contraband in war, by treaty with that nation for commercial stipulated advantages, did not invalidate our claim, under the law of nations, respecting the same articles with every other neutral nation. All belligerent powers have the right of self-defence put into activity by their situation of warfare; the law of nature asserts it; and it would be in vain for the law of nations to refuse it: it has, therefore, in all times admitted, that furnishing my enemy with the means of destroying me, or of defending himself from me, makes the person who so interferes necessarily my enemy: the search of ships to prevent such assistance has arisen from thence. The law of nations, by confirming the right of intercepting and seizing such goods, never could mean to abridge the right of any particular independent neutral nation to trade in any thing; but pronounced a general prohibition to all neutral nations not to assist either of the belligerent powers to the prejudice of their right of self-defence, and gave to belligerent powers a right to do all that is equitably necessary to prevent such assistance. Great Britain has acquired by this concession of the law of nations nothing but a right necessary to self-defence; no right over the trade of neutral nations beyond such necessity; nothing in its nature alienable or transferable; for nothing in the nature of self-defence is alienable or transferable: the right arises from necessity, and ceases with it. If Great Britain has by treaty with any one nation conceded the right of supplying France, at war with her, with any specified goods, usually deemed contra-

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band in war, in return for some pecuniary or commercial advantages to Great Britain; I assert that in such case the Swedes, Danes, and Russians, and every other neutral nation, have an equal right (though unauthorized by treaty to trade with France in those specified articles as the nation procured by the treaty; for if we do not think our safety compromised by France, being supplied by one nation, neither can it be so by the supply of the same articles from any other; we have no right, by the law of nations to sell for a pecuniary compensation a monopoly of any article of trade, as contraband in war, to one nation, to the prejudice of the trade of other neutral powers. The law of nations has not subjected the trade of neutral or independent states to belligerent powers, that they may become the arbiters of trade. The right of self-defence necessarily gives to us those claims over all nations, or none; we prove, by our attempt to sell it, that it is not necessary to our defence; to which necessity alone the independence of neutral nations submits.—The mystery in which the retreat of ministers is involved, furnishes ground for inquiry. Nothing is clear, but that the cause assigned is not the true motive; it is impossible that the supposed pledge of ministers to Catholic emancipation, could have produced the event. It has taken place at a moment when they were bound to those who approved their conduct, and to their own honour, not to desert voluntarily the public service in the time of danger, and at a time when any supposed difficulties with the Catholics did not press them; the supposed pledge not claimed, no disquiet appearing on the subject, nothing known to cause so precipitate a retreat.—A review of the whole conduct of the war affords ample matter for necessary inquiry. Above 900 millions have been expended in a war of only nine years. If ever the duty of parliament prescribed an inquiry into the state of the nation, it is at this calamitous moment.

The Marquis of *Lansdown* observed, that after a war, sanguinary and expensive as the present had been, nothing could be more proper than an inquiry with regard to the conduct of it. The question was, not whether the ministers had acted with diligence, but whether they had acted with wisdom, and upon proper information? He thought they had not. If ever inquiry was necessary, it was now, when the distress of the manufacturers was at its pitch, and, when the people had scarcely any thing but paper to live upon; not paper convertible into gold, but paper bearing a much nearer relation to French assignats. The remedy that had been stated, and he firmly believed the only one, was, to increase the wages of the manufacturer. But what would be the consequence? It would ruin the life-holder; it would ruin the stock-holder; and it would ruin all persons of limited incomes. The further consequence would be, that our manufactures would rise, the market for every kind of commodity would rise; and thus other nations would be able to sell cheaper than ourselves. He would say a word or two respecting the neutral code. It was a subject which bore considerable relation to the one agitated in 1782, when he held an official situation. The clamour was then as great throughout Europe as at present. He remembered that after consulting civilians and common lawyers, his idea with regard to *liberum mare* resolved itself into this, that it had no connexion whatever with any question of law, but was altogether a question of power. There was no more justice in our attempting to bind the powers of the north, than there would be, if they should succeed in their resistance, in their attempting to bind the other powers of Europe. If this country should succeed, what then? It would only weaken Denmark and Sweden, its natural allies, and do the very thing that France had always wished to do. The question was not a new one: it had been agitated in 1674, and even then had not been considered as a new question. Holland at that time was the great carrying power; and what was then settled with Holland was settled with all the world beside. If there was any thing that could distinguish the judgment and wisdom of the country for the last 100 years from the present moment, it was the manner in which the question had been kept out of sight. With regard to himself, when in office, he had always acted upon the principles which had been adopted for the last century; it was impossible that any other principles could be applicable. How could they apply to America, since America had arrived at such a pitch of magnitude? The question assumed a very different aspect. Was it possible to prevent America from

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carrying any kind of goods as a neutral nation?—He would defy the wildest ministers that ever could exist, supposing it possible to have wilder ones than we had had, to prevent America from becoming the carrying country of Europe. He admitted, that it was unpleasant to lose the power once possessed; but what the land lost by the incroachments of the sea in one place, it gained by its receding in another. If we were obliged to forego the maritime code, it would be succeeded by other sources of wealth. If this country lost the power of making wars more bitter and more severe, there would be this advantage attending the loss that wars would be shorter. He thought the proposition for a committee a very fair one. By meeting such an inquiry we should show the world that we were not afraid to look at our situation. He thought the proposition, that the king should be entreated to give the House some consolatory advice or communication equally just. It meant that his majesty should give us an assurance of peace; that was the consolatory advice the House hoped for. Peace alone would raise our commerce; it was not to be done by the assertion of rights whose basis was power. Commerce was a vast organisation, which one nation could not violate without injuring the whole system. Let the great council of the nation decide for peace, and he cared not what or who was appointed minister afterwards. But, in his opinion, there was no time to be lost.

The *Lord Chancellor* said, that the only effect of entertaining such a motion as the present was, to furnish a theatre for the introduction of every particular topic that could be urged, and to enable the mover to travel over all the scenes of public affairs, past, present, and to come; to touch upon all possible subjects, and abstain from inquiry upon every one. At one time the present motion introduced the subject of expeditions; at another, finance. What had been stated by the noble mover, respecting the deficiency of the excise and customs? Instead of the deficiency being 2,000,000*l.* it did not amount to 300,000*l.* Why not move for the accounts, which would convey every information? The greatest absurdities must ensue upon a desultory debate, in which every possible question might be introduced. The fabric of the constitution, supported by our navy, was shaking under their feet, while they were debating upon the law of nations. He was convinced that the power of search, in time of war, was founded in the law as well as in the rights of nations. These laws and rights were antecedent to any of the modern treaties which had been alluded to; and our maritime law upon that subject went earlier than the time of Edward 3rd, consequently before we became a naval power. The maritime law which, for the benefit not of all civilised nations, England had for more than two centuries vigorously maintained, would admit of full examination as to its justice and validity. He should wish this question to become the subject of a specific motion, that there might no longer remain a doubt, with regard to the justice of those rights which the government had thought it their duty to assert.

The Marquis of *Buckingham* said, that former committees had been productive of great good. It had been apprehended, that a committee would tend to create alarm in the minds of the people; so far, was he from entertaining any such apprehension; that he thought it would have the effect of calming the public mind.

Lord *Auckland*, after defending the financial as well as commercial state of the country, said:—My lords, a noble baron has been pleased to say, that the retiring of the late ministers is, in his opinion, a fortunate event; but that censure and punishment should follow them. I dissent with my whole heart from both those propositions. I contemplate the late government, in its departure, with affectionate respect and unfeigned regret: and let not this sentiment be attributed to the personal impression of a long friendship! let it be ascribed to the nobler motive of gratitude for public services;—for services which, in a period of sixteen years, have not only preserved the British empire from destruction and desolation, but have raised it beyond example in power, in dominion, in glory, and in prosperity. Allow me, in speaking of those services, to speak also of the energy, wisdom, vigilance, intrepidity, and resources of that mind, which alone could have enabled us to struggle against multiplied wars, repeated invasions, the danger of bankruptcy, impending famine, and, above all, the spirit of anarchy, insurrection and rebellion. Is it, then, to be wondered at, that I should feel with acuteness and with anguish, my separation from those, with whom and under whom, it was my

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pride and my happiness to act? The testimony thus submitted to your lordships is given without scruple, because it cannot now be subject to any possible suspicion of flattery. The separation to which I have alluded has been caused by a diversity of opinion too serious to be compromised, and such as cannot easily, if ever, be obliterated and done away. I am speaking, my lords, of a project which one of the noble lords thought proper to call "the oblation of all odious distinctions in matters of religion;" I am speaking of the intention to give to the Irish and English Catholics (it is now impossible to separate their claims in any concession which may be proposed) every judicial, executive, and legislative privilege, that we ourselves enjoy: a general right to hold military commissions, to exercise judicial functions, to be admitted into his majesty's councils, and to sit and vote in both Houses of Parliament. That such was the intention is now well known. But we are told that collateral safeguards to our constitution and religion were meant to be substituted in the place of what would have been taken away. I will not only express my concern and surprise that a speculative proposition of such extent, not called for by any pledge, nor urged forwards by any pressure, could have been so entertained by those who entertained it. I am obliged to consider it as a proposition of recent date, for certainly it was not foreseen or expected by the parliaments of the two kingdoms; nor taken as a corollary, or as a postscript to the union, was it stated to some individuals who contributed essentially to that arduous transaction, and who certainly had a claim to the fullest previous confidence. Considering the supposed intention in this point of view, I am brought to a dilemma. On the one hand I cannot discover a sufficient cause for the unhappy resignations which took place in a moment of accumulating difficulties; on the other, it is impossible that men of high spirit, and of such fair and well founded ambition, could for a moment be affected by a desire to have less fatigue or less responsibility. It is not in human nature, or in history, that generals, inured to great actions, and born to achieve them, can, without motives of good and superior import, get into their post-chaise and quit their army in the time of action. I am obliged then, to have recourse to the words of a noble earl (Carlisle), and to say, that there is in this business a mystery; and something difficult for one man to explain to another. There is a veil through which the eye cannot penetrate. Time and circumstances may remove that veil; it cannot be drawn aside by the committee which the present motion seeks to establish. At least, my lords, I have derived one consolation from the most painful debate that I have ever shared. I have observed the disposition of many persons to bring the consideration of the Catholic disqualifications to a grave and temperate discussion. The question is set afloat; it is unhappily become impossible not to discuss it. I hope, therefore, that it may be possible to come at once to a right and permanent decision. It is a question which involves the essential interests of the church and state, and the whole fabric of our unparalleled system of civil liberty and civil happiness. It is that system which alone could have enabled us to resist the great combinations formed for our destruction by the ambition and envy, folly and fury, of so many other countries. One farther effect would result from the opinion and decision of parliament: the question thus disposed of would no longer be a bar against the services of those who so long filled situations with such honour to themselves, and such advantage to their country. Allow me to say a few words respecting the persons whom his majesty has recently called to his councils. We have been told to-night that they are untried men, and as such, that they neither have nor can have the confidence of parliament and of the public. My lords, it is a strange objection to new ministers that they are untried men. But, in fact, the individuals alluded to are not untried; they have filled great situations, though not all of them as ministers, in the service of their country, and have been distinguished by their talents and their virtues. I will not offer to them a blind confidence; confidence is the work of time; but they shall have my support, from attachment to my sovereign and to my country; in the hope and expectation that they will prosecute the war, if it must necessarily be prosecuted, with energy and effect; and that they will seek pacification by means equally distant from national humiliation and national insolence; and on terms and conditions not inconsistent with the safety, honour, and interests of the British empire.

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Earl *Spencer* felt himself called upon to say a few words in consequence of what had fallen from a noble lord respecting the resignation of himself and those with whom he had the honour to act. He most solemnly assured their lordships, he was alone actuated by what he conceived to be his duty. He was one of his majesty's ministers who considered the great question alluded to, as involving the happiness of a large portion of his majesty's subjects. He was convinced it would be for the advantage of the empire at large, and that it would tend more to its strength and happiness than any measure which could be resorted to, to grant to the persons alluded to what they required; and it was because this measure could not be brought forward in the shape he wished it, that he had requested his majesty to receive his resignation. This, and this alone, was the cause.

The House divided: Contents, 25: Proxies, 3—28. Non-contents, 107; Proxies, 8—115. Majority 87.

List of the Minority.

Duke of Bedford	Earl of Buckinghamshire
Marq. of Lansdown	Scarborough
Buckingham	Fife
Bute	Lord Holland
Earl Fitzwilliam	King
Derby	Dundas
Darnley	Yarborough
Moira	Romney
Thanet	Bulkeley
Suffolk	Say and Sele
Albemarle	PROXIES.
Carlisle	Earl of Shaftesbury
Cowper	Oxford
Besborough	Viscount Maynard.
Caernarvon	

Motion respecting the Number of Members necessary to constitute a House.] March 18. Mr. *Pierrepont* rose to bring forward his motion respecting the number of members necessary to constitute a House. Since he had had the honour of a seat in that assembly, he had but too often come down and seen almost empty benches, and that too when questions of importance were before the House; and very frequently had he seen the House counted out for want of a sufficient number of members to put the Speaker in the chair. It was unnecessary for him to remind the House, how often debates had been interrupted by the departure of members, who seemed to think they had performed their duty when they had constituted a House competent to proceed upon business. He adverted to the disgraceful circumstance of their being lately obliged to adjourn for four successive days for want of a sufficient number of members, and that too at a time when, from the impending call, no member could leave London, and when they were concerting measures to alleviate the distresses of the poor. It did not appear, from any record that he had met with, that there was any express standing order upon this subject before the time of Charles 1st; but the history of the preceding reign afforded strong reason to think that there was some such regulation: for it appeared, that, on the 20th of April 1607, the House rose at ten o'clock, there not being above 60 members present; but on the 5th of January 1640, it was ordered that the Speaker should not take the chair until 40 members were present. Since that period, there had been very considerable additions to the number of members in that House. The number when the order he alluded to was made, was 489. There had been since an addition of 24 English members in consequence of new boroughs being erected, and of 45 members for Scotland; and now 100 members more were added; being altogether an increase of 169 members since the order was made. No addition, however, had been made to the number of members necessary to constitute a House. The proposition he meant to make was, to increase the number of members necessary to make a House from 40 to 60; and he did not think such an augmentation could be considered as unreasonable; for then it would not exceed one-eleventh of all the members of the House. If the situation of the country was such as to require that every man should pay one-tenth of his income, he put it to the feelings of the House, had not the people a right to expect that a tenth part of their representatives should attend their duty in parliament? He did not see any objection that could be urged against this measure; for surely, gentlemen were not prepared to argue about their own personal convenience, when they recollected the solemn engagements by which they were bound to their constituents. He then moved, "That Mr. Speaker do not take the chair until, at least, sixty members are present in the House."

Mr. *James Martin* said, it gave him great pleasure to second this motion, and he was sure it would be carried if the

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House had any regard to propriety or decorum.

Mr. *Bragge* said, that the motion was not at all calculated to remove the evil complained of. If he understood the hon. gentleman right, his complaint was, that, after a full attendance had taken place upon some subject of general importance, the same attendance had not continued when other questions of a less interesting nature came on. But how far was the motion likely to meet that evil? The motion was, that the Speaker should not take the chair till 60 members were present; but the hon. gentleman had proposed no means for compelling these 60 gentlemen to remain in the House. The whole 658 members might be compelled to come down to the House; but it was impossible to compel them to stop if they did not think proper. The hon. gentleman seemed to consider it as disgraceful that sometimes the attendance was rather thin, and had asked gentlemen how they could reconcile it to their duty not to attend regularly until the House rose? Now, this charge was not well founded, for no subject of great importance ever passed that House without a full attendance in some stage or other of it. It was absurd to suppose that all the members could always attend. This motion only went to enforce the attendance of 60 members when the Speaker took the chair; but he supposed the hon. gentleman meant afterwards to propose that any gentleman might count out the House, if there were not 60 members present at any period. The reason why it was ordered that there should always be 40 members present was to prevent surprise; and 40 members were as effectual for that object as 60. He should therefore oppose this measure, because it had more of form than of substance, and because, though it might compel members to come down, it could not compel them to remain

Mr. *Jones* said, he would state a few of the divisions which had lately taken place, to show the nature of the attendance in that House. The division on the Habeas Corpus Suspension act, was 113 for it, against it 14 only. On the Income Tax bill, the numbers were for it 45, against it 9, making altogether 54 members, to vote away the substance and vitals of the country. On the Treason Forfeiture bill, there were for it 57, against it 8. On the motion for a negotiation with France, the division was, against it 59, for it only 8. On the 9th of June last ten members passed 10 bills. On the 18th and 19th, there were only nine members present to legislate for the country. He had heard that nine taylors made a man, but he did not think nine members ought to make a House. Upon a division on a motion made by an hon. friend of his, there were 38 against it, and for it only his hon. friend and himself, for they had nobody to count. Gentlemen might laugh, but he did not consider it as a subject of ridicule. They were voting taxes, loans, and pensions; and he thought there ought to be a fuller attendance. He hoped his hon. friend would take the sense of the House upon this subject.

The House divided:

TELLERS.

Yeas	Mr. Pierrepont - - Mr. Jones - - - -	19
Noes	Mr. Bragge - - - Sir William Young -	151

So it passed in the negative.

Debate on Mr. Jones's Motion respecting the Causes of the Breach of the Convention of El Arish.] March 27. Mr. *Jones* rose and said:—The government of the country being no longer (by the blessing of God) suspended, I rise, Sir, to bring forward a motion of which I gave notice on the first day of the session. Perhaps, in the opinion of some gentlemen, the subject of the evacution of Egypt may not require such perseverance on my part; but, Sir, it is a subject which unfortunately has grown with its growth and strengthened with its strength, and is of such infinite magnitude, and the consequences of it so pregnant with affliction to this country, that though I do proceed with fear and trembling—I cannot, I will not shrink from my duty; and it shall be my most earnest endeavour to sift this business to the bottom. To substantiate the points of argument, in order to establish the proposition I shall make this night, it will be necessary for me to crave the attention of the House to the sailing of the armament from Toulon, and from that to the convention of El-Arish, and from the breach of that convention to the present consequent state of Europe. On the sailing of that armament from Toulon, every gentleman must recollect the dreadful suspense which hung over men's minds as to its destination, until the glad tidings of the unparalleled victory of Aboukir

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arrived to chear up the hearts of all Englishmen. On that victory I will not dwell this day, but on the result of it I must. I refer gentlemen to the speeches, debates, thanks, king's speeches, and pensions on that occasion; but my object is, to prove to this House and the nation, that from that victory every man in England contemplated in joy, the destruction of the expedition to Egypt and the salvation of India—that was the glorious result which presented itself to the whole country. Then comes a very noticeable subject to the arguments I shall adduce in the course of this business—the "intercepted correspondence." This we all know was ushered into the world under the peculiar auspices of government, and with a very well written preface—but what was the object of that publication? Why, to imprint on men's minds the idea, that the naval part of that expedition being accomplished—as to the military one, that part of the army which should escape the swords of the Ottomans, Arabs and Mamelukes, would inevitably fall a prey to famine, disease, and disorganization; and that thereby the salvation of our possessions in India would be accomplished. On the last correspondence I shall not here dwell, as hereafter I must notice it as particularly productive, I fear, of the breach of the convention of El Arish—that correspondence was *fons et origo mali*. In the mean time let it be observed, that in spite of this intercepted correspondence, we can unfortunately trace the progress of the French from battle to battle, and from victory to victory, to the possession of the capital of Cairo. Nor was their career of victory ever stopped but by the gallant and wonderful defender of Acre, the negotiator of the convention of El Arish, the saviour of the Ottoman and Indian empires, and the only man who has ever yet foiled the great Buonaparté—For all which services, his majesty's ex-ministers, just before the curtain dropped, by way of their last act, recommended an inadequate and paltry reward of 1,000*l.* per annum. Let it be known, Mr. Speaker, that to all the plain interrogations I have put to the gentlemen over the way, I never have had one plain answer given. Let it further be known, that every paper I have asked for has been peremptorily refused—especially the "old letter," as the ex-minister called it—a letter for which the world now bleeds. I mean not to ask for any papers this day; no, I will return good for evil, and give them some documents which will throw a light on this hitherto mysterious subject. The questions I have put, and the papers I have solicited, are well known, I am told, in London, in Paris, and in Egypt; and as to the sentiments thereon of the ex-war-ministers, I mention it, not as a matter of triumph to myself, but as of serious regret, that part of the answer of the ex-war-minister to me, of the 8th July last, has been sent by Buonaparté to the army of the East: it has been printed and emblazoned in the standards of Abdallah Menou; it has conciliated and fraternized with the French, the Jews, the Greeks, the Copts, the Syrians, the Smyrnites, and the Turks, and has animated them with one common zeal and thirst for glory; and has urged them, on the one hand, to threaten the Ottoman empire; and on the other, to accomplish the destruction of our territorial possessions in India. I hope, Sir, that in common justice the ex-ministers will confront me this day, and I am sure, that if they can they will confound me. This is a question of no light moment—it is not a mere temporary attack on his majesty's ex-ministers. The breach of the convention of El-Arish has afflicted England, and harassed all Europe—the existence of the Ottoman empire depends on it—all Asia trembles at it. It has been agitated not only in this House, but in most of the courts of Europe: nay, it has convulsed most of the cabinets of Europe; and in one point of view, and one only, it has rendered essential service, by being the cause of the dismissal of Thugut from the councils of the emperor of Germany, and for having laid prostrate the most woeful and despotic, and yet unpunished ministers, that ever ruled in Great Britain; it has crippled, humbled, and nearly demolished our grand ally, Austria; it has subjugated Italy; acquired Egypt to the French: it has postponed the general peace [Here Mr. Jones held up M. Otto's correspondence]: witness this correspondence between lord Grenville and M. Otto, with Egypt in every page almost; it has aggravated the universal and grinding misery of millions, and it has confirmed (I hope not eternized) the bondage of the whole human race. This subject, I repeat it, has most unfortunately "grown with its growth, and strengthened with its strength," and that will, I hope, be an excuse for my having ushered

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it in with these preliminary observations.—It will be now necessary for me to enter into rather a copious detail, which I shall however curtail as much as the nature of the subject will admit of, in order to save the time of the House, who will, I am assured, allow me to make my case as strong as the documents I have will admit of. In my own opinion, however, the English government have flagrantly violated the convention of El Arish, and thereby secured Egypt to the French, which must be considered in all points of view, as a real compensation for her vast colonial losses. Sir, all Europe complains of the breach, and I most humbly stand here this day, the accuser of her ex-ministers, and advocate of the cause of humanity and the laws of nations. The French had given up their strong holds, Damietta, Salahych, Belbeys, and the Wells of the desert when they took to their arms.—Now let me observe, that there is a wide difference between the credulity and passiveness of majorities, and the decision of history. Ministers may act with impunity by one, but not the other. The history of nations depends on facts. My intention is, Sir, first to argue, that sir Sidney Smith had powers to make the convention of El Arish. It is observable, that in this letter sir Sidney says positively, that the Porte will not fail to act in concert with the power which he has the honour to represent. He establishes the right of England to interfere in the negotiation, not as an auxiliary, but as a principal power. Surely this establishes the respective interests of the parties, and the diplomatic character of the agents. Moreover, sir Sidney signs himself "minister plenipotentiary of his Britannic Majesty." In another letter sir Sidney cites, in proof of his powers, the treaty of triple alliance on the 5th January, which he has been, he says, authorized to make. Now, I ask gentlemen, if it is likely that a man who could make a triple alliance, could not make a convention?—Thus, according to the letters, sir Sidney's powers are unlimited as to Egypt, and only restricted (and that naturally enough) as to a general peace. Surely, Sir, the diplomatic character and the military appointment of sir Sidney Smith are here exhibited—and I cannot reconcile the assertion of Mr. Dundas on the 8th of July last, as to sir Sidney, who is invested with these strong powers. That hon. gentleman stated him to be a subordinate officer; and since, the excuse for his pension coming so late was, that he had given up his command. Now, Sir, only let gentlemen contrast his signature, and powers to make a triple alliance, with the title of subordinate officer. How is sir Sidney before the convention, minister plenipotentiary of his Britannic majesty, and an ardent promoter of the negotiation; and how, after the violation of the convention, is England become a stranger to it, and the minister plenipotentiary of Great Britain turned into a subordinate officer, without powers and without instructions?—It is asserted, that his majesty's ministers only authorized lord Keith; and I beg here to repeat my high sense of the gallant services of that meritorious admiral; but it seems plain, that sir Sidney had some powers, or how could any capitulation be referred to? But, furthermore, Mr. Ex-war-minister stated, that "the first moment it appeared that a British officer had had a share in the convention, though unauthorized, and though the treaty was contrary to the interests of this country, and the French had partly put it into execution, that moment they gave orders to acquiesce in it." Now, Sir, I ask where is that acquiescence? Where is that treaty which the ex-war-minister said was, perhaps, signed at the time he was speaking? Is it in the army of Abercrombie? Is it in the fleet of Gantheaume? Where is that act of condescension to an army that ought to be made an example of, according to Mr. Dundas's speech of the 8th July last? What was the real conduct of his majesty's ministers on this occasion? Why, that the army of Egypt having suffered itself (in reliance on British faith, hitherto untarnished), to be entrapped in the Delta, and having given up its strong holds, Damietta, Salahych, Belbeys, and the Wells of the Desert, and having opened the doors of Egypt to the Turks, and as soon as this army was weakened by the Turks and cannonaded by the English ships, might have been exposed to utter extermination; then the British government thought it their duty not to forbid its admiral to allow the wretched remains of a gallant and brave army, perhaps 200 or 300, a safe passage; who should, in all the horrors of a premeditated massacre, escape the fire of its ships, and the swords of the Ottomans, the Arabs, and the Mamelukes. Oh! what a glorious act of acquiescence! what a glorious act of condescen-

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sion!—The next subject, to which I shall refer hereafter, is the mission of Mr. Morier, secretary to lord Elgin at Constantinople. This was to induce sir Sidney Smith to agree to a *ruse de guerre*, relative to the evacuation of Egypt; and this proves my queries formerly, as to lord Elgin's instructions to sir Sidney, which the defender of Acre and the negociator of the convention of El-Arish, revolted at. This mission of Morier proves again the appointment of sir Sidney as minister plenipotentiary to his Britannic majesty. Furthermore, Sir, the letters to admiral Blanket, on the subject of the convention, and the two letters to Kleber on the subject do away every thing as to surprise. None of the letters of the French generals express any ideas of surprise that I can discover. But, Sir, what was the astonishment of the French at the "old letter" of lord Keith, read by Kleber to his soldiers! This "old letter," (as Mr. Pitt whimsically called it), sent to Kleber first, and then to sir Sidney Smith, by which 20,000 of our allies perished! Now mark sir Sidney's letter on the same occasion, and of the same date. Can his majesty's ministers stand this letter? Surely, Sir, this latter quotation explains incontrovertibly the principles and design of his majesty's ministers. I must here remark, 1st, Former instructions must have authorized sir Sidney before, since those to the contrary came on the 10th of January. Sir, the ex-war-minister, in limiting these powers, without proving their limitation by the production of the papers so often in vain asked for by me, sufficiently proves the existence of former instructions. 2dly, I must remark, that at this period of time the last intercepted correspondence arrived, and the representation of the state of the army in Egypt caused the former instructions to give way to some to the contrary. The third remark that I must here make is, that it seems to have been the opinion of his majesty's ministers, that the army of Egypt "ought to be made an example of," according to the speech of the ex-war-minister; and that, having implored the protection of an English officer, the ex-war-minister doubted in giving his acquiescence in the good officers of sir Sidney Smith.—I beg leave to remark, 4thly, That the English ministers, then in the meridian of their power, thought it very easy to convert a minister plenipotentiary into a subordinate officer. The last observation on this head of the subject is, that his majesty's ministers seemed to think that, with a double embassy (lord Elgin's and sir Sidney Smith's), they might have a double faith. So lord Elgin was to serve one purpose, and sir Sidney another; and by this double embassy and double faith, the Turks, by virtue of a convention, were to cross the Desert, and make themselves masters of Egypt. But when the French army were out of Cairo, then the *ruse de guerre* was to be put in force, to supersede the convention; and this convention, and the laws of nations, were, in defiance of all humanity, at once to be immolated at the shrine of ministerial imbecility, vengeance, and intemperance, by the combined efforts of the Turkish vizier and the English minister. This may be a grand, noble, merciful, and warlike plan; but it strikes me to be as puny and punic a one as ever, among all the fruitless expeditions, was hatched at Wimbledon.—One more observation as to sir Sidney Smith's conduct in making this convention. His local knowledge must have given him great advantages, and the army was much crest-fallen, at the departure of Buonaparté; I am also well informed, that a most essential reason for entering into the convention of El-Arish was, that Kleber had pressed the grand vizier much on that head; and I ask gentlemen if that had been concluded, what would have been our situation in Egypt? I assert again, Sir, that the convention of El-Arish was, on the part of sir Sidney, an act of great and grand diplomacy, and the breach of it the reason for which the world bleeds at this moment.—Here I might with safety, I think, observe, that I have proved the powers of sir Sidney to negociate beyond all doubt. Here I think I might rest my cause and justify the motion I shall submit to the House; but I trust they will allow me to make up for want of ability, by proving to them my labour, investigation, and industry. I shall not advance one word that I do not think absolutely necessary to the furtherance of the object, viz. inquiry into the conduct of his majesty's ex-ministers. Now, Sir, I will discuss this question hypothetically, upon a false hypothesis, that sir Sidney had no powers to treat, and no ministerial instructions. But, Sir, no hypothesis can justify the ministers of England for all the blood which has been

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spilt in Egypt, in Europe, and in the world, in consequence of the orders sent to lord Keith; and in particular, the consequent massacre of our allies, the Turks. On this point two political truths arise for discussion—The first is as to sir Sidney Smith. I do maintain, that sir Sidney, commanding the troops for the purpose of landing, directing by his officers the attack and defence of places, concurring with his soldiers in all the military measures of the Turkish army, and overlooking and managing their military operations: together, above all, with the circumstance of his being so distant from the seat of his government, had a right by the law of nations to treat—and on this subject I will not intrude my own opinion, but will quote the opinion of two celebrated writers on the laws of nations; by whose writings, I believe, the civilized world has been guided until now; and I must observe, that it does appear that these great authors, Vattel and Grotius, had anticipated in their own minds the breach of the convention of El-Arish. The second political truth, as it strikes me, is the treaty of the 5th of January, made by sir Sidney. Surely the grand vizier, fighting upon his own territory; and for the purpose of restoring to the Ottoman empire one of the provinces conquered by the French army, had a right to treat alone in the absence of its allies, and that then the stipulated conditions became a law which England and Russia could not violate without injustice. Now, Sir, putting sir Sidney quite out of the question, I ask this—ought two officers, each commanding brave and veteran, and well-matched troops, to fight for ever—to extermination at a distance from their respective governments? Sir, I remember hearing a story of some Englishmen, who were put into the black-hole at Calcutta; there most of them perished, because the governor was not to be disturbed on any account. I ask again does not humanity forbid it? Do not the laws of nations assure a degree of warranty to such an agreement to stop the unnecessary effusion of human blood? Now, Sir, mark the consequences of the breach of this convention of El-Arish. The inevitable consequence is, that wherever it may be necessary hereafter for England to carry her arms, no power can or will confide in English faith; and for whom has all this terrible sacrifice been made? For Austria,—for Austria, that has deserted us, and made a separate peace. A general must fight for his own and his army's safety to the last: he must persevere to the uttermost extremity. No military convention will be safe against the orders of the English government to its admirals and cruizers. The example of the evacuation of Egypt will be ever present to them; the example of the evacuation of Egypt will be eternally before their eyes: nay, furthermore, the breach of the convention of El-Arish might, and most probably did, give rise to the northern neutrality, which disputes with us the sovereignty of the seas, and has raised up a spirit to attempt an alteration of the maritime law.—Now, Sir, as to the different objects of the Porte and England in this treaty:—Russia, I conceive, as to this treaty a mere cypher, as I am well informed, Frankini had an influence in, and little attendance in the councils. Sir, the object of England was the safety of India, and the object of the Porte was the safety of the Ottoman empire, and the evacuation of Egypt. Why, Sir, perhaps another object with England was, to induce the Turks (if a late narration of the cause of the expedition be true)—[vide Goldsmith's Crimes of Cabinets, p. 185]—to wage war with France; but, perhaps Egypt and Syria, and the islands on the coast of Dalmatia, were the only points in the universe where England and the Porte could have a common interest. I defy the right hon. gentleman to point out another in the history of the world. In this treaty all objects but the expulsion of the French from Egypt were foreign to the treaty. The evacuation of Egypt was the fundamental interest to which all other considerations yielded. It was not the war in Italy, it was not the war in Germany, but the war in Egypt, and the war in Syria, which bound the Porte. Why, Sir, the Porte did not guarantee Sicily to the king of Naples, Malta to the knights of that order, Tuscany to Austria—(that is guaranteed with a vengeance to the duke of Parma, by the 5th article of the treaty of Luneville)—he did not guarantee Europe to his majesty's ministers; he might as well have guaranteed Africa, the two Indies, America, Canada, and the colonies in the Pacific Ocean. No, Sir; the evacuation of Egypt was the only object, and that being (which it was, but for the intervention of his majesty's ministers), accomplished, all was over.—Thus, Sir, I have discussed the question, have laid

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down the principles, and quoted the facts and letters, on which I found the following propositions:—I observe, first, that sir Sidney Smith had instructions and powers to treat: secondly, he had powers from the nature and quality of his command; thirdly, he had powers according to the laws of nations; fourthly, the grand vizier had a right to treat for the evacuation of Egypt, in the presence or absence of his allies. Moreover, the wars of Germany and Italy constantly present examples of the exercise of this right. There has not been a campaign during this war, in which the generals of the house of Austria have not stipulated for the coalition, while it lasted, in which the republican generals have not stipulated for their allies; in which places agreed to be given up by the princes of the empire, have not been given up by the emperor by virtue of any convention; and sure I am, no troops on one side or the other have ever been constrained in the truth of a military convention. No, Sir, it has remained for his majesty's ministers to commit this horrible violation of the sacredness of treaties. His majesty's ministers have imposed upon the nation, on parliament, and on all Europe, by first giving sir Sidney Smith powers, as a military commander and a diplomatic agent, and then representing him as a subordinate officer. They have deceived our ally; they have violated the laws of nations; they have put humanity out of doors, and the consequence is but too well known to afflicted Europe—the firm possession (I much dread), in spite of all our efforts, of Egypt by the French. Now, Sir, what is the situation of England, in consequence of the breach of this convention? In the first place a vast armament, under the command of sir Ralph Abercrombie, has sailed for, and report says has reached Egypt. No man respects higher than I do the military talents of that officer; but, from the experience we have had of summer expeditions, I have but little hope from winter ones. There is also a rumour that the Condean army has received orders (which are not exactly obeyed it seems) to embark for Egypt;—they will not stir a peg. Another co-operation is destined from Bombay to land at Suez; and no doubt that distinguished officer, sir Home Popham will bring them safe through the Red Sea to Suez. At all events, suppose them landed at Suez, 10,000 strong, they will have seventy miles of desert to march over before the slightest degree of co-operation can take place. Take this circumstance also into your consideration, that the English troops are not enured, like the French, to the hardships of the climate; and as to numbers, sir Ralph Abercromby lands just as many men as the French force is dwindled to. Is it not reasonable to suppose, that our army must decrease as well as the French? Add this circumstance also, that the Copts, Greeks, Syrians and Turks have joined the standard of Abdallah Menou, or Regnier, in vast numbers, and have embarked in one common cause. What, on the other hand, is the state of the French army? Why, Sir, I speak from good authority when I say, that they are 16,000 strong, effective men; and the force of natives, Copts, Greeks, &c. &c. is about treble that number. The garrison duty is performed by the French invalids, and the Copts and Greeks, who are much attached to the French. The army of Egypt is in the best state of discipline, and has had reinforcements amounting to 6,000 or 7,000 men, and supplies of ammunition and stores. The soldiers all consider themselves the children of Buonaparté (he calls them his darling sons), and will preserve Egypt for him by enduring the greatest privations. When Kleber concluded the treaty of El-Arish, Buonaparté's fate was not known, and that circumstance made the army anxious to return; but since the violation of faith, on the part of the English, Egypt, the darling idol of Buonaparté, is also the darling object of the whole army. The plague rages in the grand vizier's camp; and such is the jealousy of our allies, that upon sir Ralph Abercrombie's wishing to take a lodging even at Rhodes, he was refused. This is the present state of things; I know it. But, Mr. Speaker, if we drive them out, how much blood and treasure have been uselessly wasted, which the convention was made to prevent? If we do not drive them out, how much blood and treasure are then wasted?—the flower of the British army lost; some of the best blood of the country spilt in the sands of Egypt; and, perhaps, no man may return to his native land to tell the melancholy tale! The loss of blood and treasure will be incalculable. What will the ex-ministers say then? I do not think they can ever come into this House—if they do, they ought to come down here with meek and contrite hearts, and,

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clothed in sackcloth and ashes—ask pardon of their insulted countrymen on their bare and bended knees. Why, Sir, there does not appear a chance of success under all circumstances. I understand the French army has been fed by small craft from the different ports of France, and that 4,000 men have at different periods been landed, and vast quantities of all sorts of ammunition have been thrown in; and as to cloathing, their cruizers have taken the cloathing of ten of our regiments destined for that quarter. Some people are sanguine enough, or credulous enough, or both, to suppose that Buonaparté will give it up. Sir, on that head give me leave to say thus much—I lament as an Englishman the mighty talents of the First Consul of France; yet I must admire them, as a man. Will any man suppose, for a moment, that he will give up his darling child, Egypt; that I will not say first dragged him from obscurity, but which brought his mighty, his vast talents into action; Egypt, which cherished, and nurtured, and fostered his infant ambition; Egypt, which raised him to the consular honours of France, and which has opened new scenes of glory, new grand achievements, and which will never let him lose sight of the conquest of India; Egypt, which conquest has given him an identification with Alexander; I confess I see a very clear identification. He will not give it up but with his life. He has issued his orders to Abdallah Menou: he has reminded him of the lacks of rupees, which it was said by some right hon. gentleman in 1782—I remember reading the speech at school, I believe the member is now dead,* sent seven or eight members from the nabob of Arcot into this House, and had put English cities and boroughs within the jurisdiction of the Carnatic.—Peradventure, however, there may be a sudden change in the councils of France, as there has been in the councils of Great Britain; and here let me just observe, that I have never said they are made up of shreds and patches. I have never called them a tag-rag-and-bob-tail administration. No: I say, that I have a great respect for the present chancellor of the exchequer, having been educated under the same auspices, but unfortunately not having derived the same advantages therefrom; and that if the present ministers pursue diametrically opposite measures to the last, and will set about a work of peace, and will not suffer themselves to be prompted by the ex-ministers under the gallery, the confidence of the country will follow, and the vengeance of an enraged and insulted people will fall heavy on the heads of the ex-ministers; but if they pursue the same, both will suffer—not only will ruin fall on them and us, but the decline and fall of Britain is at hand. England will inevitably perish. But if this change should take place in the government of France, and if they should choose to give it up, they will have some equivalent. Perhaps they will require the two hon. gentlemen as hostages, the Cape of Good Hope, Malta, Gibraltar, or Jamaica, &c. In short, Sir, to use a naval phrase, let his majesty's ex-ministers box all the points of the political compass, and I defy them to justify the breach of the convention of El-Arish. The day they sent out orders to lord Keith was a day of mourning and sorrow to Great Britain.

"Ille dies primus lethi, primusque malorum
"Causa fuit——"

From that "old letter" all our evils have followed in terrible succession—

"Hoc fonte derivata clades
"In patriam, populumque fluxit."

Now, Sir, what is the internal state of the country in consequence of the breach of the convention of El Arish? Why, this very year 28 millions of money have been already voted, and whilst the ministers having been forging taxes and chains for the natives of Britain. However, gracious Heaven has defeated their machinations by a famine. What, Sir, must be the state of a country where famine, in its dreadful progress, has reached the gates of the capital? where a committee on famine sits within the walls of the parliament? Sir, such conduct of his majesty's ex-ministers may in this corruptible age, and more corruptible world, escape investigation and impeachment of the Commons of England; but it cannot escape the righteous judgment of God. The breach of the convention of El Arish being taken ill in Europe, all the world is involved in its dreadful consequences. Since that unhappy period, we have not one ally left. Austria, our grand and best ally, is crippled, humbled, manacled and almost demolished—Italy subjugated—Portugal driven to war—Egypt acquired by the French—Constantinople paralyzed—and

* Mr. Pitt's Motion on Parliamentary Reform; see vol. 22, p. 1419.

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the government of India shook to its very basis. All this has followed the breach of the convention of El Arish; and all these achievements have been accomplished by Buonaparté without a fleet! But this is not all. The breach of this convention will stain the page of British history, and alter the map of the world. Let us only turn our eyes to the confederacy now sprung up in the North; and, above all, let us observe the disinclination which Paul exhibits to suffering the Turks to co-operate with us in Egypt. Let us look at the strict friendship and alliance of Paul 1st. and the First Consul of France. Every gentleman must know, that that Northern despot, like all his progenitors, has long cherished the idea that Constantinople is a part of his inheritance; and Buonaparté encourages his plans to farther his own gigantic strides. Buonaparté has by the expedition to Egypt, and his plans on India, identified his character with Alexander, who did march from Egypt into India. We learn from Herodotus, that Alexander invaded Hindostan with an army of more than 100,000 men; and Arrian tells us, that his line of operation was across the north of Persia from the Caspian sea to the river Indus. He crossed the Indus about Attock, and afterwards its nearest branch the Hydaspes or Jeham, in defiance of that great potentate Porus; after advancing, and wantonly ravaging 200 miles of the country, Alexander was wounded, and returned (his troops being harassed by victories) to Persia.—To continue the line of argument, as to the probability of the invasion of India from Egypt—Seventeen centuries appear to have elapsed from Alexander to the second great invasion of India by Tamerlane. This man of blood was born near Samarcand, between the Caspian and the Indus, and boasted his descent from the ferocious Mogul Tartar, Zinghis Khan. This man first attacked his neighbours and Persia, and then set out from Samarcand with an army of 90,000 cavalry to invade India. This army crossed the Indus near Attock, and advanced to Delhi. Tamerlane had ascertained by his spies the weakness and anarchy of the Delhi country, and he succeeded by a decisive victory in becoming master of the metropolis. After erecting a triumphal pyramid of ninety thousand human skulls, he returned to Samarcand, and 100 years after his descendants successfully renewed their bloody patent to the throne of Delhi. All this, Sir, has been accomplished, and more. But will the right hon. gentleman doubt the zeal and ambition and emulation of the First Consul of France with these heroes of antiquity? Will he doubt the pride and spirit of the conqueror of Lodi? the conqueror of Marengo? the conqueror of Italy? the conqueror of Austria? the conqueror of Egypt? the representative of Alexander and Hannibal in one? the man who has Hannibalized St. Bernard? Let him be doubted. Depend on it the confederate ambition of Paul and Buonaparté will form a Greek empire at Constantinople; will open thereby a passage for Buonaparté to India, wherefrom will ensue the conquest of India, the consequent ruin of Great Britain, and the probable subjugation of the world. May I, Sir, not survive the period which may bring such ruin and disgrace on my bleeding country! But what is the chance? what are the consequences of the convention of El Arish? The confederacy of kings is broken; that rope of sand, moistened with the blood of millions and the tears of Europe, from the Euxine to the Atlantic, is dissolved. After the loss of several thousand of her soldiers by drowning, conflagration and rebellion, and after having reddened the ocean, and offered up human hecatombs as a sacrifice to the pride and intemperance of his majesty's ex-ministers, Great Britain sees a most powerful and avenging conspiracy risen against her. O! my bleeding, my dear country! thou art weighed in the balance against most of the nations of the earth! Mayst thou not kick the beam! May the genius of thy former prosperity not forsake thee in adversity! May he bring peace and plenty to thy starving sons, and restore humanity, moderation, economy and justice to the councils of the best, the most benevolent, the most religious, and, thank God, now convalescent, sovereign, that ever sat on the throne of England! Now, I most unfeignedly thank the House for their indulgence, and move, "That a Committee be appointed to inquire into the causes of the breach of the Convention of El Arish."

Mr. *Dundas* said, he did not feel any resentment at the honest warmth, zeal, and even indignation with which the hon. gentleman had expressed himself, though much of it had been directed against his conduct in his late official situation; because it had been produced by a suppo-

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sition that this country had been guilty of a breach of faith. He would assure the House, that he felt very easy under all the opprobrium which had been heaped upon his conduct as a member of the late administration, respecting the convention of El Arish, and under all the threats of evil to the country which had been anticipated from that convention not having been carried into effect, because he was conscious, that there existed no ground for them, and that the hon. gentleman was under a complete misapprehension of the whole transaction. There was no breach of the convention concluded for the evacuation of Egypt; there was no violation of good faith on the part of this country. He would repeat what he had said when this subject was discussed last year, that sir Sidney Smith had no powers to conclude any such convention. Sir Sidney had powers only to act as a military officer in Egypt. He had previously a command in the Mediterranean; his brother, Mr. Spencer Smith, was then British minister at Constantinople; and when he was sent to take the command of the British force on the coast of Egypt, it was thought proper, in order to add something to his dignity in that situation, to place him with his brother, as British plenipotentiary for the conclusion of the defensive treaty of alliance between this country and the Ottoman Porte, which had been solicited by the latter power. Special powers were granted him for this purpose; but as soon as that treaty was signed, his powers as a plenipotentiary were at an end, and he had no powers to go beyond that single act. Indeed, he conceived that the thing must speak for itself. For, before the convention of El Arish, lord Elgin had gone to Constantinople as representative of his majesty with the Ottoman Porte; and, of consequence, both sir Sidney Smith and his brother were superseded in any diplomatic character which they might before that have held. But any detail upon this subject appeared to him completely unnecesary, as he would declare from his own knowledge the simple fact, that sir Sidney had no powers whatever, but those which were special for signing the defensive alliance with the Ottoman Porte. He would, however, allow that the hon. gentleman had stronger ground to go upon, in what he had said this night, than he had when he formerly brought the same subject before the House; and this ground was drawn from the French paper, containing the correspondence between sir Sidney Smith and general Kleber. From that paper, published by the French government, for the very purpose of attaching on this country a breach of faith relative to the convention of El Arish, it did appear that sir Sidney, in his correspondence with Kleber, signed himself plenipotentiary of his Britannic majesty. It, however, appeared, from that very correspondence, that Kleber himself did not think that sir Sidney had any powers to negoclate; for he expresses his doubts about the efficacy of any passports which might be granted by him. How sir Sidney came to think that he had powers, or by what means he convinced general Kleber that he had authority to grant passports, he could not pretend to know; but he did know for a certainty, that he had no such powers or authority. The only points in this question were, had sir Sidney powers, either as a plenipotentiary, or as a military officer, to conclude such a convention? And had ministers any information of such a convention being concluded when the instructions were sent to lord Keith? The first time that ministers had any reason to think that such a convention might be proposed, was in December 1799. They immediately sent such instructions on the subject to lord Keith, not to sir Sidney Smith, for he had no command in chief, but only commanded a detachment of lord Keith's fleet. This country was at that time in alliance with Russia and Austria, as well as the Ottoman Porte; and it was the duty of ministers to take care, as far as possible, of the interests of its allies. The evacuation of Egypt was desirable; but it was their duty to prevent, and they saw the importance of preventing, the return of the French army in Egypt to France, where it would immediately have been employed to act against the Russians and Austrians in Italy, or in Germany. The instructions sent to lord Keith therefore were, that if any convention for the evacuation of Egypt should be proposed, he should agree to it; but, at the same time, not to consent that the French army should be sent back to France. Lord Keith did not receive these instructions till February 1800; and before that time sir Sidney had concluded a convention, which, as the ministry were conscious that he had no powers to conclude, they could not anticipate being concluded. He immediately, and with great propriety, sent home sir

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John Douglas in a frigate with the intelligence. Ministers remained of the same opinion, as to the policy of such a convention; they were of opinion, that he had acted improperly and without authority, and that the convention he had concluded was unfavourable to the interests of this country. But, as they found that a British officer had interfered, and (whether with proper powers or not) had ratified the convention, they thought it better for the honour of the British name to agree to it. They were guilty of no breach of faith; on the contrary, they confirmed the convention, because they saw that the French, trusting to its validity, might have given up some of their strong posts, which could not be restored to them in the same state. He had seen the French paper from which the hon. gentleman had derived his authority for asserting that this country had been guilty of a breach of faith. But he could assure the House, that the statement which he had now given was the simple history of the case. He knew that pains had been taken to impress a belief that this country had been guilty of a violation of the faith of treaties. He, therefore, if the hon. gentleman would withdraw his motion, would have no objection to the production of all the instructions given to sir Sidney Smith and to lord Keith. He knew that the production of them would vindicate this country from the unjust aspersions which had been thrown upon it. He by no means disapproved of the warmth, zeal, and anger manifested by the hon. gentleman, because they resulted from a jealousy for the honour of the British character; but he conceived it to be wholly unnecessary for him to enter into a minute examination of all the points upon which the hon. gentleman had enlarged, and his fears for our East India possessions; because all that he had said was founded on a misapprehension, which he trusted was now done away. But the hon. gentleman had done more than express his fears, he had displayed his skill in geography, and had chalked out, for the information of the French, all the routes which had been followed from the days of Alexander to those of Tamerlane, from Egypt to India. He wished the French were out of Egypt; but his apprehensions from their temporary possession of that country, and for our possessions in India, were not so strong as those of the hon. gentleman; and he trusted that the good fortune of this country, and the skill and bravery of the officers and troops now employed in an expedition for that purpose, would soon relieve us from all apprehensions.

Mr. *Sheridan* said, he could not help remarking, how extraordinary it was that the right hon. gentlemen should now volunteer what, not many months ago, they had obstinately refused. It was then said that the production of those papers was unnecessary, and would be highly dangerous. But they had been then in office—now they must lower their tone—"Projicit ampullas et sesquipedalia verba." The right hon. gentleman had spoken of the warmth of his hon friend. He did not know whether his hon. friend was always *suaviter in modo*, but certainly he was always *fortiter in re*. Of all the acts of the late administration, this was the most disgraceful to the national honour, and the most productive of public calamity. The right hon. gentleman had complained that his hon. friend had given information to Buonaparté. It was, to be sure, a most atrocious act, to add to the geographical knowledge of the poor, ignorant, pitiful Buonaparté, and to inform him, that there had been such men as Alexander and Tamerlane! He had heard of many state secrets, but that the route from Syria to Indostan was a state secret he never before could have conjectured.—Mr. Sheridan then went into a justification of the conduct of sir Sidney Smith. It must be presumed, he said, that he had acted agreeably to his instructions, till it was proved that he had transgressed them. That he had not, was evident from the pension which had been lately conferred upon him. What! reward a man who had entrapped the enemy, who had incensed our allies, who had dishonoured the British name, and brought innumerable calamities upon his country! If ministers had been in the right, they would not have been slack in laying the blame upon him; but they knew that they themselves were answerable for all that had happened. He must have had these powers: all our commanders possessed and exercised them. It was universally believed that he acted under them at home and abroad; and ministers must have been aware that he might have concluded such a convention. But a rash presumption was excited in their minds by the Intercepted Correspondence. After reprobating the preface, Mr. S. adverted to the statements

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of this publication, many of which, he said, had turned out to be extremely ill-founded. Among other things it was said that M. Tallien had lost an eye; but gentlemen must now be convinced that he had a pair of very good eyes [alluding to the eager manner in which members had flocked to the gallery to gaze upon this celebrated stranger]. There could be no doubt that Kleber would have scrupulously fulfilled the convention on his part. He probably would have lost his head upon his return to France; but such was his scrupulous regard to honour, that he would have adhered to his engagements whatever might have been the consequence. The subsequent consent of ministers he attributed not to good faith, but to the successes of the French in Italy, which rendered the acquisition of troops of little value, and to the representations made by sir John Douglas, of the formidable position of the army of the East. The right hon. gentleman wished the French out of Egypt; but would it not be strange, if one man wished another out of a room to bar the windows and lock the door? In Egypt, however, the French were, and there, he feared, they would for ever remain.

Lord *Hawkesbury* said, that in the course of the last session this same question had been discussed: on that occasion he had thought the explanation of his right hon. friend perfectly satisfactory as to the charge of breach of faith; but circumstances had since come to light which rendered further inquiry necessary. The papers published by the French government, charging this country with a breach of faith, rendered it necessary, that all the papers upon the subject should be produced. He should therefore have no objection to the production of them; and if the hon. gentleman would withdraw his motion, he would move one, the operation of which would be much more extensive. His lordship then enumerated the different documents that he would consent to produce. After which he proceeded to argue, that sir Sidney Smith was not, by his situation, entitled to exercise the powers of a plenipotentiary.

Mr. *Pitt* said, he hoped that, out of office, he should show himself as ready as ever he had been when in office, to resist the production of any papers for which there was laid no parliamentary ground, or in the production of which there was danger, or any material public inconvenience. This principle he had uniformly acted upon, and upon it he was determined to act; it had applied to the very subject which was now before the House: but since that time, a difference had taken place, which, whether in or out of office, would have made a difference in his mind as to the course that was to be pursued. There were published certain papers, in which sir Sidney Smith was introduced as having given colour to the idea that he assumed the character of a plenipotentiary, and, as such, concluded a treaty with general Kleber at El-Arish. There was now, in favour of the motion for official information on that subject, what was wanting before—that was, security against the public inconvenience by giving it; and as that was so, he was as ready to grant, as formerly he had found himself bound to refuse, the information called for. The papers upon this occasion should be to the fullest extent, and they were so, as they had been stated by his noble friend. They went to the extent of showing the instructions given to sir Sidney Smith, and also those given to lord Keith. It would also be proper to produce the proclamation issued by sir Sidney during the attack on Acre; by which it was said, he knew perfectly what he was doing, and that it was a strange thing if he did it without instructions. He should be glad that the House should see it, and if he was not mistaken, it would turn out thus: that sir Sidney, commanding at Acre, published a proclamation, signifying, that if any of the French besieging army should desert and come to him, he would give them passports by which they might return in safety to Europe. Now if this were so, all that remained to be said upon that subject was, that if gentlemen on the other side of the House could show that this made sir Sidney a state minister; if they could show, that publishing a proclamation to encourage desertion from the enemy made him a minister plenipotentiary, then their argument was good, but not otherwise. Sir Sidney had no power to be a party to this convention, so much talked of. The power he had was confined clearly within the limits stated by his right hon. friend, and when that was performed he was *functus officio*. That he was a commander (but not in chief), was true; he had no special or full power; and the question, if there could be any, would be, whether his general power gave him authority to enter into any conven-

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tion in Egypt? The instructions to lord Keith were given on the idea that the French might apply to the grand vizier for a convention, by which they might be permitted to quit Egypt and come to Europe, the which, if it had been agreed to, could not be binding on us; it could not dispose of the right we had to attack the enemy by sea, for they could not, by any convention of theirs, make the seas neutral. It was apprehended by us, that such an attempt would be made, and that the view of it was to take away a French army in Egypt, and to plant it in Italy. There was no power to do so under any maxim in the law of nations, nor under the rules of common sense or plain justice, because it was the act of two powers, by which the interest of a third (no party to it) was most materially to be affected; and therefore it was that lord Keith was instructed as he had been; and yet, in that stage of the transaction, we directed, that if passports should actually be given, and the ships should be met with, they should not be treated as prisoners of war, but taken to the army from which they came. Now, he begged leave to observe, that there was no reason for believing, either that general Kleber or sir Sidney Smith himself, thought he had the power of entering into this convention as commander in chief, or otherwise, until sir Sidney represented himself as having that power, which erroneously he thought afterwards he had. As to what had been said on our not being auxiliaries, but principals in the convention, the hon. mover had read some papers with an audible voice; but he would find that the opinion of that very respectable officer was against him in that point. Sir Sidney thought he was acting as plenipotentiary; but the papers would show that he was not; he acted, indeed, on an honourable but mistaken principle. Gentlemen then asked, why government did not proceed criminally against sir Sidney Smith? and they said they thought, if he had so far exceeded his powers, they ought so to proceed — He thought otherwise. But although there was a total absence of power in sir Sidney to conclude this convention, we did not hesitate to direct the carrying it into effect; in doing which, instead of having stained the character of the British ministry, or the country which they represented, and injured their reputation for good faith—they had afforded a memorable example of such faith, and even of scrupulous delicacy. As to a captious disposition at any mistake arising from misapprehension of the extent of British officers power, it was repugnant to his nature, and he should be sorry if the House, or any part of the country, thought, that because sir Sidney had acted in the manner he had done, without authority, and exposed his majesty's then ministers to the unmerited opprobrium which for a time they had borne, they would on that account feel resentment against him; or that any mistake, where the intention was honourable, could cancel in his breast, or in the breasts of those with whom he acted, the feelings they had once cherished on the conduct of an officer, who had added to the glory of the British arms. So far was he from being of that opinion, that he wished the hon. mover might be able to carry in the India-house, a measure by which that which was at first intended to be granted to sir Sidney might be doubled in amount; for the glorious achievements at Acre were not to be set aside by the mistake at El-Arish; the one was a mere misconception of power, the other was a brilliant display of military talent, which extended the fame of a renowned British naval officer, and added to the triumphs of his country.

Mr. *George Ponsonby* admitted, that in the papers which the noble lord was willing to produce, almost all was contained that would be essential. It was said, that the French government had published certain letters which tended in some degree to implicate the character of this country, and that the production of the papers in question was necessary to vindicate its honour. But what sort of language was this in the mouth of the right hon. gentleman, who had spent years in reprobating whatever was connected with the French government, and who had represented its statements as utterly unworthy of all credit or regard? Was it consistent for a right hon. gentleman who had held such language, to come forward now, and say that a charge made by this very government was a sufficient reason for the production of papers which had for their object to free the country from the imputation of a criminal violation of good faith? The assertions of a government whose statements had hitherto been described as unworthy of the smallest regard, were a sufficient reason for producing the papers; while the fatal consequences of

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the violation of the Convention were no reason whatever for their production! How the right hon. gentleman could reconcile this to consistency he was unable to discover. Neither could he agree with the right hon. gentleman in his position, that sir Sidney Smith was invested with no power to conclude a treaty or convention which he judged to be advantageous to his country. He was willing to allow, that he was not the commander in chief, but that lord Keith held the principal command. He would state, however, explicitly, that this gallant officer had the chief command on the coast of Egypt; that he had the principal share in the management of those troops which were composed of our Turkish allies. In the exercise of this command, if these allies were ready to consent to a convention, he did merely what was natural in stipulating for the interests of this country. The right hon. gentleman had talked much of the eminent good faith of this country in observing the passports which were granted after they were informed that such a convention had been established; but how, it might be asked, had this good faith been displayed? After the French had actually given up many strong posts which they had previously occupied, after a part of the troops had actually embarked on their return to France, the authority of good faith had been so much respected, that, when intercepted by English cruizers, they were not allowed to proceed to the place of their destination, but were landed again in the place whence they came.

Mr. *Robson* warmly supported the motion. He adverted to the orders sent out to lord Keith by the late ministers, which he held of themselves to be a sufficient ground for their impeachment; and concluded by pointing out the enormous expense of the expedition to Egypt, by which the produce of six or eight years of the income tax would be consumed.

Mr. *Jones*, in reply, observed, that he had been accused of having delivered his sentiments with much warmth, and a very audible voice; but the right hon. gentleman had displayed no less warmth, and had spoken in a tone fully as audible. The charge, therefore, came with a very ill grace, and reminded him of the old proverb of "the pot and the kettle." The right hon. gentleman had shown that he had enough of voice, but it was *vox et preterea nihil.* He expected, if the papers were produced, that they would contain every word of the proceeding from beginning to end.

The motion was negatived: after which it was resolved, "That there be laid before this House, a copy of any full powers which may have been given to captain sir Sidney Smith, for the purpose of negociating and concluding a treaty with the Ottoman Porte, or with any power whatever; and also a copy of any instructions which may have been given by his majesty to captain sir Sidney Smith, for the purpose of regulating his conduct in any negotiation in which he might be engaged in virtue of such powers; and also, a copy of any proclamation issued by sir Sidney Smith during or subsequent to the siege of Acre; and also, a copy of an Order from the Lords Commissioners of the Admiralty to lord Keith, dated the 15th Dec. 1799; and also, a copy of an Order from the Lords Commissioners of the Admiralty to lord Keith, dated the 28th March 1800."

Debate in the Lords on the Irish Martial Law Bill.] March 23. On the motion that the bill do pass,

Earl *Fitzwilliam* said, that the parliament of Ireland, with all the means of forming a just judgment as to the necessity of the measure and the period of its duration, had enacted, that it should continue in force only until the 25th of March 1801. It was now proposed to extend it beyond that period; and surely something more satisfactory than had yet been adduced would be required before it should receive the sanction of the united parliament, It was now submitted to their wisdom as a measure which ought to be discussed on its own merits. It was incumbent on them to consider it on the grounds which might now be brought forward in support of it by his majesty's ministers; and very strong arguments they must be which should induce their lordships to assent to a measure that went to suspend the most valuable right enjoyed by the subjects of this country; which struck at the vital sinews of the British constitution, by setting aside the trial by a jury of their peers, and placing their lives at the disposal of persons who were not very competent to decide on the questions submitted to them by this bill. It well became the House to consider how those who might be before such a tribunal were to be arraigned, and whether

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they could have the advantage of those safeguards of innocence secured to them by the laws of this country. In proceedings for high treason, the accused was entitled to have a copy of his indictment, a list of the witnesses to be produced against him, and of the jury to whom his life was to be committed. Were there any provisions of this sort in the bill? No. Surely then, it was incumbent on those who recommended such a measure, to show the grounds that existed for its adoption. Could a stronger measure have been proposed had the country been in a state of actual rebellion? But it was now nearly two years and a half since the rebellion had been suppressed. Was there any interruption to the regular administration of justice? Was it attempted to be proved that the assizes could not be held as usual or were there any statements produced to the House on the part of the judges of Ireland, that they could not do their duty. No such proofs had been brought forward They were called upon to surrender the liberties of the sister country into the hands of ministers, without proof that such a proceeding was necessary. There might exist good reasons for the measure; but as none had been stated, he could not give it his support.

The Earl of *Clare* said, there were papers on the table of the House affording ample information and sufficient grounds for a continuance of the bill. In proof of this, he desired the clerk to read the title and various extracts, from the reports of the committees of the Irish parliament, in 1798, respecting the then state of Ireland, with the confessions of Arthur O'Connor. That the bill should be received with alarm, with jealousy and with disgust by a British House of Lords, did not surprise him. As a lover of the British constitution, he participated in the common feelings of other noble lords; but as an Irishman, particularly he felt degraded and disgraced, when he found himself obliged to confess, that Ireland could not be saved, unless such a violation of the constitutional rights of the subject was suffered to receive the sanction of the legislature. Noble lords who lived in this happy country enjoyed the most uninterrupted security, as to their lives and property; convinced by daily experience of the many blessings they derived under the British constitution, it was natural that they should revolt at the idea of suspending it, in any part of the British empire; but alas! such was the melancholy state of Ireland, that she must either seek refuge in a military government, or submit to a wild and fierce democracy. There was unfortunately no alternative; the civil government of the country had found itself unable to support its authority unaided by military force; if that auxiliary prop was taken away, it would soon fall and crumble into atoms. The rebellion that had existed in Ireland, was of a nature unparalleled in the history of the world. It did not, as some former rebellions had done, proceed from misplaced loyalty, religious zeal, or party difference; all principle had been subverted, every laudable feeling stifled, and no other object cherished, than a rivalship in domestic treason, relentless murder, and cowardly assassination.—Though the rebellion had been overpowered in the field, the head of it remained unbruised and unbroken. It existed long before it broke out, and it existed still; in fact the snake was scotched, not killed. Democracy had taken deep root in that country, and it would be long before a spirit of subordination could be restored. From the time that the appeal of a rebel convention from the Irish parliament had been received in this country, and sanctioned by authority, in 1791, democracy had been planted in Ireland, and had continually grown up and flourished since. The subtility with which the preachers of sedition proceeded would be evinced by the fact, that of those who went up with addresses to a noble earl, before his quitting the administration of Ireland, many were at the moment engaged in a conspiracy for overthrowing the government. Now it was greatly too powerful for the civil government. Martial law was indispensable, and could alone give security to the property, religion, and lives of the loyal inhabitants. Martial law certainly was an evil, and that country was in a state of degradation which was obliged to resort to it; but the wish of Ireland proved the necessity for it. He valued highly the laws of England, he had spent his best years in acquiring a knowledge of them, and he envied this happy island the blessings of which, under them, it was in possession. After enjoying for a while, the luxury of being here, he should feel mortified when he returned to his native country, and was put under martial law. Under that, however, he would far sooner live, than under the government of un-

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principled and merciless barbarians. He wished the noble marquis, at the head of the Irish government had been present. The humanity of the noble marquis was equal to his courage. Nothing could be more embarrassing than his situation when he came to the government. An invasion was threatened from many different quarters, and the troops were quartered out in small cantonments, and engaged in a species of warfare by no means calculated to advance their discipline. The noble marquis had collected them into considerable bodies: had trained them with unremitting assiduity; had restored tranquillity; and had placed Ireland in a state of defence which enabled her to face a foreign force in the field, and bid defiance to the efforts of her enemies. But though every thing had been done which could be done by man, Ireland was not in a situation to enjoy the constitution. The municipal law was found to be totally ineffectual. He allowed that when this was the case a proper method to proceed might be for the government to exercise martial law, and to take the responsibility upon itself. This had been done by lord Cornwallis, but had been attended with very great inconvenience. The noble marquis never would resort to acts of violence but under the most pressing necessity: he never permitted an individual to suffer without the most minute investigation of his case, and he spent four hours every day in examining the minutes of courts-martial. Soon after the noble marquis took upon himself the chief command in Ireland, he released many rebels from prisons, and to many others he granted a pardon, on giving up their arms. Some of those were afterwards again taken up and sent abroad; but there were many with the same rebellious spirit still in the country; and many had found their way to this country. Notwithstanding this merciful conduct of lord Cornwallis, much inconvenience arose from his lenity. He would state an instance of the abuse practised by a resort to the municipal law, where martial law was mildly administered. Theobald Wolfe Tone, whose name made a conspicuous figure in the secret committee, had been taken in arms in a French ship of war, and condemned by a military tribunal. The court of King's-bench was then sitting, however, under a military guard, and a worthy limb of the law discovered that it could not be open without being compelled to interfere. He therefore applied for a writ of Habeas Corpus, which of course was granted. The consequence was, that Mr. Tone had an opportunity to cut his throat with a razor, and to disappoint the justice of the country. Immediately after the petty solicitors flocked to Dublin from all parts of the kingdom, and procuring writs of Habeas Corpus, prevented the trial of the rebels. For martial law thus exercised to be effectual, it was necessary that the king's courts should be shut. A noble lord had asked, whether the judges had not regularly gone the circuits for two years and a half? In general they had done so, but they had always been obliged to be protected by a strong escort, and two judges going to hold the assizes in a distant county, had been attacked by the rebels not many miles from the capital. They were not murdered, to be sure, but they owed their safety merely to the rebels having neglected their usual precaution. Their servants had not been bribed, and the postboys turning quick about, they escaped from the snare by the speed of their horses. The last journey of the attorney-general, had been truly, though ludicrously termed a pilgrimage, and it was said, that Mr. Attorney all the time looked pale, that the jurors perjured themselves, that the assassins escaped, and that the witnesses were assassinated. To disturb the administration of justice had been and continued to be, the principal object of the conspirators. The plan of giving every criminal a list of jurors and witnesses before the day of trial, he considered as quite impracticable; nine-tenths of the jurors and witnesses would be murdered before the day appointed came. Such had been the complete organization of treason and rebellion, that the municipal law, unsupported by the military, not only could not be exercised with effect, but the mere attempt duly to administer justice was defeated and perverted to the direst purposes. The superior committee of superintendance in the several districts took care to have spies present at every trial in each circuit, who marked out those jurymen who ventured to give a conscientious verdict, and every witness who dared to tell the truth in compliance with his oath. A description of these was delivered to the committee of the province, and by them transmitted to the general superintending committee of the district, who made out from these communications a list of pros-

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criptions, and transmitted orders to the several provincial committees, to send a certain number of determined zealots, to meet their agents. This was regularly complied with, and the lists of assassination delivered to the wretches devoted to the trade of murder, who not only were often previously unacquainted with the name and character of those they were to destroy, but absolute strangers to the individuals that formed the general superintending committee, they nevertheless seldom failed to execute their commission in its utmost extent, involving the wives, children, and domestics of the party proscribed, in one promiscuous slaughter. The county of Limerick, in which he resided, was almost the only one which remained quiet during the early part of the rebellion; yet a dangerous insurrection a year and a half since suddenly broke out in it, and it was begun by an atrocious murder being committed under his own roof. One of his servants was put to death under circumstances the most shocking, merely because he was an Englishman; and to show the extreme barbarism at which the Irish people had arrived, the principal assassin was a man who had been his servant and his father's servant for upwards of thirty years, and had been uniformly treated by both of them with the greatest possible kindness. The wretch had stolen arms from his house, and distributed them among the rebels. When he was led to execution, he confessed to the priest who attended him, that a list of twenty had been made, whom it was resolved to murder, and that his master was of the number, whom, to use their own phrase, he had sworn "to sweep," in one of his evening walks round his farm. He (lord C.) was the only person who gave employment and bread to the poor in that neighbourhood, and without him they must have been reduced to the greatest wretchedness. He mentioned this to show that they were not animated by any thing resembling a rational motive, but were spurred on by a pure love of blood. If the noble earl (Fitzwilliam) could find time to visit his estates in Wicklow, he would see that these representations were not exaggerated. He would there behold nothing but traces of desolation, and signs of the renewal of these horrors. With the deepest grief, he saw such things, and spoke of them. Happy would he be to see his country restored to order. Happy would he be if he could go to his bed chamber at home without entering an armoury, and could close his eyes without apprehensions of having his throat cut before morning, and of seeing his wife and children butchered before his face. He should be inexpressibly happy when he could once more walk or ride out unarmed, for it was a curious fact, that when he was in Ireland, his servant brought him his arms as regularly as he brought him his hat. To think of repressing this spirit by concessions and indulgence was absurd. Acts of that kind had already had a mischievous tendency. The rebels had a system of laws the most severe, and the most promptly executed; and which could only be met and counteracted by martial law. If this bill were not renewed, scenes would be exhibited in Ireland to which there had been nothing similar since the year 1641. Nothing would be seen over the country but pillage, murder, and conflagration. His lordship spoke highly in praise of those who had boldly stepped forth to quell the rebellion. They had not only exposed their lives, but, what was far more heroic, they had risked their reputations. Misconduct had been imputed to them, but most unjustly. Government and individuals had both acted with the greatest propriety, and he believed there was no one so hardened who would not now confess, that if they had acted otherwise, Ireland would at this time have been independent of Great Britain, or at least the seat of civil war. It was easy for those at a distance from the spot to talk of humanity, and to rail against measures of vigour. Let noble lords who opposed that bill take a journey to Ireland. He engaged to give any six of them a villa and a small farm each, if they would consent to reside in it. After they had tasted for a twelvemonth the luxuries of an Irish life, let them come over (if they survived), and declaim in favour of the rights of the Irish. To give their lordships an idea of the ingenuity of cruelty practised by these barbarians, he would state a fact: one of their punishments of such as had offended them, by an active attention to the duties of their official situations, was, for a party of them to surprise and seize the unhappy victim, to muffle him, bind his hands behind him, and, after having stripped his back naked, to fix a cat on the nape of his neck, and when they had by every possible provocation rendered the animal wild and infuriate, to seize it by the tail

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and drag it up and down the back of the unfortunate sufferer, till his back presented an entire picture of blood and gore. Lord Clare adverted to the report that he was an advocate for torture. The foundation for that report he recollected well, and should state it to the House. A blacksmith had been apprehended, who, there was the greatest reason to believe, had been engaged in framing pike heads. After various means had been tried in vain, to force him to confess where he had concealed them, he was placed upon the picquet. There he had not remained half a minute when he told where about 500 might be found, and there they were found accordingly. In answer to what had fallen from a noble lord opposite (earl Moira), he did say that it should be maturely considered, whether society would suffer most from the murder of two or three hundred loyal and well-disposed men, which was probably thus prevented, or from a rebel blacksmith being placed half a minute on the picquet? What he had said then he now repeated; and if there were any who, regardless of the two or three hundred loyal and well-disposed inhabitants, pitied only the rebel blacksmith, he did not envy them their feelings.

The Earl of *Moira* said, that that was not the only instance in which torture had been applied to extort confessions of guilt. In a vast variety of other cases it had been resorted to, to compel persons to criminate their neighbours; and, in these cases, the application of the torture was continued, not for half a minute only, but for whole hours, and that at repeated times. On confessions so obtained, it was impossible to form an accurate and wholesome judgment. The state of Ireland, as described by the learned lord, was a melancholy one indeed. But what was it that had reduced that unfortunate country to so miserable a situation? Were the inhabitants so different from those of Great Britain?—were they so abhorrent from civilization, and so prone to barbarism, as, though governed by the same laws, to be still so widely placed asunder in character and improvement? It was a maxim with Plato, that a general insurrection in a country, proved the existence of misgovernment. If, then, Ireland was to be considered in such a condition, much was to be imputed to the impolicy of government, and the bill could be no adequate remedy for the evil. If government viewed the inhabitants of Ireland in the light of human creatures, they would adopt other means than those of asperity. But to the bill under consideration there were many objections: if the spirit of rebellion generally prevailed in Ireland, why not make the bill general in its operation? Martial law was not to be justified but by such an exigency; and if that existed, why limit the application of the law? His objection to the bill was, that it attempted to define and legalize what in its nature was not to be legalized. Why not leave the responsibility for the use of this power on the head of government? No man entertained a higher idea than he did of the humane disposition of lord Cornwallis, or of the noble lord who was to succeed him; but the wisdom of parliament always measured power by the exigency of the case, and not by the character of the person to be invested with it. The bill was unnecessary, because it was competent for the lord lieutenant to enforce martial law where it appeared necessary, and afterwards to call for an indemnity for this infringement of the constitution.

Lord *Holland* said, he was surprised that the learned lord who had so much distinguished himself in bringing about the union, and had so often enforced the advantage to Ireland of a parliament without prejudice or passion, should insist that the House should legislate for that country on the authority of what was done by that parliament, which was represented as so objectionable. At the time when that measure was agitated, we were told, that in an imperial parliament the interests of Ireland would be discussed by impartial men, removed from all local prejudice or passion; that the state of parties was too violent at home to leave men in a state of deciding with calmness and impartiality; and yet it was upon the authority of men who were locally interested that the House was called upon to decide the present question. For his part, he never had acceded to that representation; but, leaving that out of the question, Ireland was now a part of this country, and the House was bound to distribute law to it as it would more immediately at home. To make the reports of the Irish parliament on what happened three years ago evidence of a rebellion existing now, was just the same as to call the attention of the House to the rebellion in Scotland in 1745, and make it a ground for introducing martial law into that country. But the noble

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lord had not ventured to prove that a conspiracy was sufficient to justify martial-law, nor that conspiracy (admitting it a sufficient ground) did actually exist. The only reason the noble lord had adduced was, that marquis Cornwallis had acknowledged the necessity of it three months ago. Upon that principle it might continue for ever. However, he should have been glad to have had a declaration to that effect from the marquis. He wished it had come down in the shape of a message from that nobleman; for then it would have rested on his assertion, for which he would have been responsible. But, even in that case, he must take the latter assertion of that nobleman against his former declaration on the subject; and, therefore, when he found him recently congratulating the country on the suppression of rebellion, he must consider the noble marquis as an evidence against the learned lord. The principles stated went to a justification of the past; but these were not the grounds of the present bill. The question was not, whether the past was right or wrong, but whether this anomaly of law should be continued, and why? To this the observations of the noble lord might be considered an answer; for if all that had been done was inadequate to the purpose, it was some evidence of the inefficacy of the measure. He denied that history could produce precedents to justify a government of force, and contended that the noble lord had used the word democracy in a very fallacious sense when he applied it to the mass of the people. Though the opinion of the mass of the people was not to be followed in every case, yet every government was made for the benefit of the mass of the people. He ridiculed the argument drawn in favour of the bill, from the circumstance of T. W. Tone having cut his throat, instead of suffering the sentence of the court-martial. If it were necessary to prevent such evasions of punishment, he wondered it did not occur to the noble lord to propose an easier and an equally efficient measure; as, for instance, a bill to prevent the interference of any other court with a court of martial-law. For his part, the barbarity, the cruelty, and the horrors with which Ireland was charged, formed in his mind a strong objection to the bill; for, if the human mind could be so depraved and debased, it became his duty to reflect upon the possibility of the abuse of such an instrument, should it fall into improper hands.

The Earl of *Limerick* said, he felt ashamed, as an Irishman, to be obliged to declare that the bill was absolutely necessary, to give security to the loyal inhabitants of Ireland. Convinced as he was of the invaluable blessings enjoyed by the subjects of Great Britain under the constitution, it must ever be a painful duty for him to perform, when he found himself reduced to the necessity of consenting to give up a part of those blessings for a time, in order to avoid the greater evil of losing the benefit of the whole. Such, however, was the unfortunate and disgraceful state of his native country at present, that he could not, with a due regard to truth, hold any other language. Some of the arguments of the noble lord, who had just sat down, had not a little surprised him; among these, one of the leading arguments was, his endeavour to insinuate that men born in Ireland, resident there all their lives, and familiarly acquainted with the manners, habits, tempers, and prejudices of the lower order of the people, were less competent witnesses to the necessity that loudly called for the passing of the present bill, than persons who had never seen the island, and were utter strangers to its internal commotions. A great deal had been said of torture practised in Ireland against the rebels. He begged leave to say, that there was not to be seen in any one town in that part of his majesty's dominions, what he had often beheld in country towns in England, the walls at the entrance of them plaistered with large posting bills stating that if any vagrants were seen passing through the town, they should be apprehended and publicly whipped. Now, was putting a man, more than suspected of providing instruments of slaughter for the rebels in Ireland, to a momentary pain, in order to obtain a full confession of the extent of his guilt, more enormous, or less justifiable, than proceeding to summary and severe punishment without trial in England. Those English gentlemen who opposed measures of coercion in Ireland, were ignorant of its situation. From whence did they receive their information? From traitors, who had come over from that country, and deceived them with false representations, so as to induce them to go and give evidence in their favour on their trials.

Lord *Carleton* said, that nothing but a conviction that the measure was essential to the safety of Ireland could have induced

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him to give it support. The present state of the country was such, that the municipal law was altogether inadequate to the suppression of disorder or the protection of loyalty, and the judges were unable to apply this law to the various crimes which had sprung out of the rebellion. No one would suspect him of preferring the decisions of military tribunals to those of the municipal law, but believing that the latter were not calculated for the distracted state of the country, he was willing, for a time, to relinquish their advantages, to give up a part to save the whole. The bill had not been originally adopted without a full persuasion of its necessity, and he had reason to think this necessity was no less at present; for, he believed that Ireland was less tranquil at this moment than it had been a year or two ago.

Lord *Hay* said, that, from the facts which had been stated, he had no doubt of the necessity of the measure, and that, instead of destroying, it would be the means of saving the constitution.

Marquis *Townsend* said, he considered the lower order of the Irish, who had been deluded into rebellion, accompanied with the most savage practices of deliberate cruelty and assassination, as madmen, and that they ought to be treated as such. He had the misfortune to have had a near relation in a state of derangement, and he had been ordered a straight waistcoat, which soon brought him to his senses. The present bill might be considered as a species of straight waistcoat; and it might be taken off whenever the rebels were restored to reason.

Lord *Grenville* trusted, that a measure of this nature would never be adopted by a British parliament without the fullest consideration, and the strongest proofs of its necessity. He was convinced that sufficient proofs had been adduced to show, that it was essential to the preservation of the lives and property of the loyal inhabitants of Ireland.

The Earl of *Caernarvon* said:—We are called upon, in this early stage of the imperial parliament, to renounce all those principles, by which, for ages past, our forefathers have gradually humanized the law of treason; and to place it where the barbarity of our remotest ancestors never saw it. The act proposed for our confirmation is a libel on the British constitution; it is a *fac simile* of the Jacobin government of France, and sinks infinitely below comparison with the present government of that country. Is it expected that such a government as that which is proposed for our approbation, will sooth the discontent in Ireland? Is it a soil in which patriotic zeal can take root? What is there in such a government that is worth defending against an invading enemy? For my own part, I should feel indifferent to the choice. This measure is called, in flattery, martial law, as if it had the slightest resemblance to any law, or did not annihilate all law, and was not incompatible with all regular distribution of justice. By this act, the governor of Ireland, or any persons appointed at his pleasure, are authorized to put to the torture, or to death, whomsoever he or they may suspect of aiding rebellion, without bringing them to trial, or examination; and the agents so deputed, unless they are military men, are totally irresponsible for the foulest murder and most barbarous tortures, exercised under the authority entrusted to them. To add insult to this flagrant subversion of the principles of our constitution, this horrid tyranny is proposed to a British parliament, without the slightest proof of its necessity. No proof even that rebellion exists at this moment, has been adduced. The learned lord has borne testimony to the practice of torture, for the purpose of making discoveries: short, indeed, he states it to have been; but he has justified its use from its possible advantages. Nothing but a contempt of parliament, and a persuasion of its inattention to its duties, could have encouraged those who bring this bill forward, to suppose that such a deviation from every principle of the constitution could pass without a single proof of its use. The history of mankind forces me to disbelieve the necessity of this measure, and the concealment of its use or abuse, during its trial of two years, raises my jealousy and suspicion. I trust that we shall convince he authors of this act that parliament retains its constitutional vigilance, and that this bill will meet with the fate it deserves.

The Archbishop of *Cashel* went into an historical detail of the origin of the bill, and the reasons on which it was founded, as well as the grounds on which it had been renewed at two different periods. He stated, that when, in 1798, the Irish parliament armed the crown with the authority of martial law, they did so upon the serious inquiries of the secret commit-

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tee; that when they continued it in 1799, they did not renew it without a new and full investigation of facts; they that exercised the utmost caution, when, in 1800, they again continued it to the 25th of March, 1801; that, as an incontestible proof of its being still necessary, the trials under it had been, in the last two years, not fewer than 200; that civil justice would not have its due course, if the courts were not under the protection of martial law; and that the only thing he could regret, in regard to the bill was, the shortness of its duration.

Lord *King* said, that the ground of necessity urged for passing a bill which struck at the root of the constitution, strongly reminded him of that sort of argument with which Robespierre's innumerable trials before his novel tribunals might have been defended. The number tried and convicted before courts-martial in Ireland, and executed there, was an argument against rather than for the bill.

The House divided: — Contents 80, Proxies 10—90; Not-Contents 7, Proxies 0—7. The bill was then passed; as was also the Habeas Corpus Suspension Bill for Ireland.

Protests against passing the Irish Martial Law Bill.] The following Protest was entered on the Journals:

"Dissentient,

1. "Because it appears to be useless and unadvisable to attempt to provide for possible cases of extreme necessity by legislative acts; since the effect of such cases is to supersede all legal provisions. A state of things, in which the ordinary course of law and justice in a civilized country must be suspended, cannot be legally supposed. Necessity, whenever it occurs, will dictate its own measures, without regard even for the law that provides for it; and those measures, in our own judgment, should be left, in every instance, to a special justification on the merits of the case. With respect to the case of rebellion said to exist in Ireland, it is particularly superfluous to give or to confirm by act of parliament to the crown, or to its representatives, a power to act by discretion, considering that by the laws passed in Ireland, and which it is now proposed to continue, it is repeatedly declared, though not as we conceive on constitutional principles, to be the undoubted and acknowledged prerogative of his majesty to resort to the exercise of martial law for the public safety.

2. "Because, were it ever advisable to arm the executive government, by positive law, with a power of depriving a whole kingdom, or any part of it of the protection of its laws, and of the regular administration of justice, at the discretion of ministers, it ought to be on clear and incontrovertible evidence of the truth of the facts assumed, or at the least on a formal recommendation from the throne for the grounds of which ministers might be made answerable: whereas this bill comes before us, not only without evidence of that supposed state of things in Ireland, which is said to make the grant of such power indispensably necessary, but is founded on a direct contradiction to documents and authorities, on which alone parliament can regularly proceed, or safely rely: the preamble asserts that 'a rebellion still exists in Ireland,' whereas we find that, on the 15th January 1800, the lord lieutenant did declare to the parliament of Ireland, that 'all tendency to insurrection had been effectually repressed;' and on the 10th of July following, 'that he had the happiness to acquaint 'them, that the country in general had in 'a great measure returned to its former 'state of tranquillity; and if, in some districts, a spirit of plunder and disaffection 'still existed, those disorders he believed 'would prove to be merely local, and 'would, he doubted not, be soon effectually terminated:' and if, in the interval between the latest of those dates and the meeting of the present parliament on the 2nd of last month, unexpected events had proved that a rebellion still existed in Ireland, we cannot doubt that such events would have been taken notice of in his majesty's most gracious Speech from the throne: opinions of individuals, however respectable, are in no case to be evidence even in parliament, unless they are subject to examination; least of all, in legal acceptation, is a voluntary witness entitled to legal credit, to whom no questions have been or can be proposed: in the present instance, this objection is to our minds particularly weighty, considering the state of violence and contention to which Ireland has unhappily been subject for some years past; and from which it is fair to presume that the parties charged with factious principles and unprovoked rebellion, if they were in a situation to be heard, would be equally ready to complain of violated rights, of cruel treatment, and of a general system of oppression

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exercised over them. Furthermore, if the opinions to which we have alluded, are in this instance to guide the resolutions of parliament, no reason occurs to us, why they should not equally prevail in all other cases, in which the future government of Ireland may be concerned; but if that should be omitted, one of the principal objects of the Union, strongly urged in debate by eminent persons; viz. the establishment of an impartial and dispassionate legislature for the united kingdom, 'aloof from local prejudices,' would be defeated. The dissolution of a local legislature would have been unnecessary, and the Union an unjust and useless measure, if the government of Ireland had been conducted on principles which ought still to prevail, or if it had not been principally intended, by uniting the two countries under one parliament, to take power out of the hands of prejudice, and not to suffer the affairs and interests of Ireland to be governed by the same parties or passions which prevailed in its own legislature, and which were said to make the dissolution of that legislature indispensably necessary for the good of both kingdoms.

3. "Because the remedies proposed by this bill far exceed the exigency of the case stated: the executive power is bound, in the first instance, to provide for the due administration of justice, in its ordinary course, and for the security of the civil magistrates; but if it were true that, in particular districts, such terrors prevailed, that juries could not be found to do their duty in the trial of offenders; and if, in such circumstances, it became unavoidably necessary to resort to other courts, and to other forms of proceeding, it does not follow that new and exorbitant powers should be given to such courts; much less that offenders under trial or in custody of the civil magistrate, should be removed from thence and brought before a military tribunal, or that persons already tried and acquitted, should be seized and tried again for the same offences by a court-martial. We are well assured that abuses of this kind, which, in their nature suppose a complete suspension of the administration of justice, have been practised, and do still prevail in many parts of Ireland, where the courts of law are actually open, and in the face of the judges.

4. "Because it has been uniformly maintained in debates on the merits and advantages of the Union, that it would reconcile all parties, and put an end to all divisions in Ireland; whereas the present measure seems to us to amount to an acknowledgment that all such views were fallacious; and that the hopes held out of removing discontents in that country are as little likely to be accomplished now as they were before the Union, considering that the very first effect of that measure, and the first act of the united parliament is, to continue a military government there, with all its unavoidable severities, and all its possible abuses.

5. "Because it is neither constitutional nor safe to trust exorbitant power to the discretion of any individual, on a presumption drawn from private character and personal reputation, that it will be exercised with lenity and moderation. Such power in its nature tends to corrupt the minds of those who hold it; nor can it be applied to its own purposes, without devolving into many hands, by all which it must be exercised discretionally and without control. In this case, the hopes to be derived from experience or confidence in personal dispositions, are defeated by the actual removal of the noble person in whose prudence we might be most disposed to confide.

6. "Because the power which has been already exercised in Ireland without a law, and which the present bill is intended to confirm, viz. to punish all persons concerned or said to be concerned in the rebellion by death, or otherwise by the sentence of a court martial, may be employed in the infliction of tortures and cruelties unknown to the laws of England, and from which the greatest criminals in this country are exempted. We will not consent to vest such dangerous and arbitrary powers in any hands and least of all in courts martial, in the constitution of of which no care is taken to exclude the effects of levity or passion, and in which it is left to the discretion of seven officers or of a majority of that number (none of whom, possibly, may be of age) to pronounce a sentence of death, or to inflict tortures worse than death.

(Signed) THANET.
ALBEMARLE.
HOLLAND.
KING.
PONSONBY."

A second protest against the passing of the bill was also entered, but was afterwards ordered to be expunged, as will be

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seen by the proceedings of the House on the 31st.

The Protest against the Irish Martial Law Bill ordered to be expunged.] March 31. The House being cleared of strangers, and the entry in the Journal of the 23rd instant, and also the second Protest being read, lord Fitzgibbon (earl of Clare) moved, "That it is contrary to the honour of this House, and would be of dangerous consequences to permit the reasons for the separate protestations entered on the 23rd of March 1801, and signed Thanet, Albemarle, Holland and King, to remain on the Journals, and therefore that the same be expunged." After an animated debate, the motion was agreed to upon a division by 92 against 20.

Protest against expunging the Protest on the Irish Martial Law Bill.] The following Protest was entered on the Journals:

"Dissentient,

1. "Because this resolution appears to us an alarming infringement of that ancient and peculiar privilege by which peers have been enabled to record their opinions, and justify their conduct to posterity.

2. "Because, in the right of protesting is necessarily included a right to record those reasons which have been urged in debate against any resolution taken by the House.

3. "Because we conceive the objections urged against the bill in the Protest (whether applicable or not in this particular instance) to be such, as any member of the legislature is competent to feel and to express, in strict conformity with the principles on which this government is established, and with the duty and attachment which he owes to the constitution of this country.—The possibility of a law, which by its nature would weaken, and even dissolve the ties of allegiance is not to be controverted; and the apprehension of such a tendency in the provisions of any bill, if entertained by the majority, would infallibly lead to the rejection of it; we are therefore at a loss to discover how an objection, which would induce a majority to reject a measure, can when conscientiously felt by any lord, be represented as an unfit topic of debate, or an unapt Reason in a Protest.

4. "Because the application of a principle in any case admissible (however erroneous that application may appear to the majority of the House), cannot warrant a resolution for expunging the Reasons of a Protest.—The right of individual judgment cannot be submitted to the will, or exercised according to the pleasure of the majority, against whose act it is intended to object; and the privilege of protesting is at an end, if the reasons inserted in a protest must be made agreeable to that majority, and subject to their approbation.

(Signed) NORFOLK, E. M.
WENTWORTH FITZWILLIAM.
PONSONBY.
HOLLAND.
SUFFOLK and BERKSHIRE.
CARNARVON.
THANET.
DUNDAS.
ALBEMARLE.
BEDFORD.
KING.
OXFORD and MORTIMER.
LANSDOWN.
YARBOROUGH.
DERBY."

Debate in the Lords on Taylor's Divorce Bill.] March 19. The House being put into a Committee on the Bill to dissolve the Marriage of George Taylor, gentleman, with Catharine, his own wife, and to enable him to marry again,

The Marquis of *Buckingham* said, he rose to call the attention of their lordships to a proviso of very great importance to the morals, the religion, and the virtue of the public. This proviso had made part of a bill upon the subject which had been fully discussed last session, but which had failed in the House of Commons. The subject of the proviso having been amply and ably discussed, it would not be necessary for him to go into a detail on the efficacy of its principle. The first thing he had thought it right to look to, was the practice of our ancestors, and what was their opinion as to the legality of the adulterer marrying with the adulteress; and he found, that, previous to the Reformation, divorces were not recognised by any other jurisdiction than that of the ecclesiastical law. The first case he met with was that of lady Boucher Par, wife of lord Par, and daughter of the earl of Essex; the next was, the case referred to in the debates on the subject last year, that of the marquis of Northampton, who, after four years, married again, which

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marriage occasioned a good deal of agitation; and a commission of inquiry into its legality was issued to some of the bishops, at the head of whom stood archbishop Cranmer. That marriage was declared valid, but was afterwards dissolved on very opposite grounds. A third case, was that of the duke of Norfolk and his duchess; and a fourth was the case of the lord Roos in 1664. From all these cases it was evident, that the general opinion of our ancestors was, that the adulterer could not, under a divorce, intermarry with the adulteress. That opinion had prevailed for nearly two centuries; but of late a very different practice had been suffered to obtain; but still it remained uncertain whether such marriages were valid. He was therefore anxious to have the matter reduced to a certainty. His own opinion was, that intermarriages between adulterers and adulteresses were illegal; and he thought a declaration of the legislature to that effect would effectually act as a check and prevention of the shocking crime of adultery,—a crime so shamefully prevalent, and so injurious to the best interests of society. With regard to this particular bill, it was perhaps more incumbent on their lordships to adopt the proviso, not only to excite the public to reflect seriously on the subject, but from the singular circumstances of the case made out by Mr. Taylor, which was a most flagrant one, the adulterer being a clergyman, the minister of the parish, in an obscure country town in Devonshire; whose duty it was to set an example of piety, morality, and virtue. Instead of this, the clergyman, in question had carried on an adulterous intercourse with Mrs. Taylor for four years. The case here was a proof of a rooted depraved mind, of deliberate and repeated acts of criminality, and a violation of an express commandment, to which the adulterer could be no stranger. Such conduct was so atrocious, that he hoped the ecclesiastical courts would punish the adulterer for bringing such disgrace on his profession. The marquis enlarged on the necessity of preventing the intermarriage of the offending parties; and concluded with moving, "That it shall not be lawful for the said Catharine Taylor to intermarry with the said William Ilbert Birdwood, clerk, during the lifetime of the said George Taylor."

Lord *Hay* could not but deprecate the introduction of such a clause, by a side wind, in a private bill; if it were fit to be adopted, it ought to be taken up separately, and be considered on its own grounds and merits. Besides, he did not think it was acting with dignity and fairness, to take the petitioner by surprise, and clog his bill with a clause that was objectionable to one branch of the legislature, and of the intention to insert which he had not received notice.

Lord *Auckland* said, that the House, no doubt, expected, after the share he had taken in the bills of last year, that he should say something on the present occasion. That the adulterer was not originally considered to be entitled to intermarry with the adulteress, he collected from some parts of the Gospel of St. Matthew, and the practice of our ancestors. Divorces were not heard of in that House, or known to the courts of law, till after the Reformation; and the reason was obvious. Till then, the religion of the country was popish; and in popish times marriage was deemed a sacrament, and all matters respecting marriage were cognizable only by ecclesiastics. With regard to the marquis of Northampton's case, that noble lord did not wait for a special law to enable him to marry again, but conceived himself to be entitled to do so. His second marriage took place four years subsequent to his divorce: the second marriage provoked much inquiry; and the commission alluded to by the noble marquis was issued to certain bishops therein named, who had several separate questions referred to them, to which they gave distinct answers, and confirmed the validity of the marriage; which, however, was set aside afterwards by queen Mary, popery being again introduced in her reign. The other cases had all happened between the time of the Reformation and the year 1664, as mentioned by the noble marquis. With respect to the clause, his opinion was, that it ought to be made a general law. Being of that opinion, he should certainly support it; because, till a general law enacting it should pass, it behoved that House to take care that every special case that came before them should be guarded by so wise and so necessary a restriction. In the present instance, it was more than ever necessary to make a legislative declaration, that the adulterer should not intermarry with the adulteress, from the sacred office of the former. In his judgment, it would be more advantageous to the

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community, if divorces were to be taken out of the hands of the two Houses, and put under the cognizance of a very different tribunal. Every noble lord had an undoubted right, when a bill was in a committee, to move whatever amendment he thought proper; and as to the danger the bill would be placed in, should the other House throw out the clause, it was not regular to say beforehand what would be the conduct of the other House. On every ground, therefore, the clause should have his support.

The Duke of *Clarence* said, he must submit it to their lordships, how consistently with the principles of Christian charity, they could entertain that which must throw the miserable woman who was the object of it into eternal prostitution? Did he think the proposed measures likely to prevent the crime of adultery, no one would more cheerfully support them; but the contrary was his decided conviction. He reprobated the principle alluded to, as operating most injuriously, as well as unjustly, with respect to the females of this country, who were remarkable for their correctness of conduct. He firmly believed, that in the great majority of those instances where the conjugal vow was broken, the profligacy of the man was the principal cause. It was well known, that women who had married after their divorce, had generally been exemplary in their conduct. He would not say that the clause would increase adultery; but it would decrease morality, by operating as a premium to seduction. If the woman who had been prevailed on by the arts of a seducer to violate the chastity of her husband's bed was precluded from marrying her seducer, she would be condemned to a life of prostitution with her paramour; and all women in the same unhappy predicament, as they would not be received into the society of chaste and virtuous families, would necessarily be driven to herd together; and thus a new order of professedly vicious and abandoned women would arise—a circumstance that could not but prove highly dangerous to the best interests of the community. The clause was a boon to the adulterer, and an unjustifiably severe punishment on the woman. The noble lord opposite had spoken of a new tribunal for divorces; but it was not by cruel laws against the women that the evil would be remedied.

The Earl of *Radnor* approved of the principle of the clause as a general regulation, but could not support it in its application to the present case, after it had, in the other form, been rejected by the House of Commons.

Lord *Grenville* entered into a defence of the clause, and the principle. He alluded to the former debate, on which occasion those who differed with him upon the subject wished to know whether no case might occur in which he would be inclined to forego the restriction. He certainly admitted there might. They then argued, that the principle ought not to be made general, but called for a particular case: that case was now before them, and they objected to the partiality of the clause. If any conclusions were to be drawn from a particular case, this surely was that case; for a more flagrant one could not possibly come before them. He defied the imagination to go beyond that of a priest in holy orders, to whom the care of souls in a country village was committed, seducing the wife of one of his parishioners, and still presuming to teach them to walk in the paths of truth and righteousness; unless they were to add thereto, the setting up, as an example of being rewarded for their vices, the woman who had been a partner in his guilt. Where, when he said "thou shalt not commit adultery," would the eyes of the congregation be turned, and what must be their conclusions? With such examples, what adherence to religion and morality could be expected from the people? His lordship denied that it was in fact denouncing any punishment against the woman; for it left her in the state to which, by her own imprudence, she had suffered herself to be reduced; while, on the other hand, he firmly believed that the prohibiting of the criminal parties to marry would be to her advantage, as it would remove one of the great temptations made use of by the artful seducer; indeed, if it was to become the established law, that such might marry, he could hardly see any reason why a man might not as openly address a married woman as a single one; for he would only have to prevail on her to commit the act of adultery, to be at liberty to change her husband as her inclination should suit. The case before the committee afforded a strong instance of the necessity of re-considering the present system of the divorce law, and of the application of some effectual remedy.

Lord *Mulgrave* deprecated the idea of throwing the unfortunate woman into a

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new and cruel situation by an *ex post facto* law. The unfortunate woman in this case would be less on her guard with the minister of the parish, than with a person whom she might have reason to regard as profligate; and therefore was the more to be pitied. He did not perceive any particular indulgence granted the adulterer, in permitting him to take to his bed the adulteress, in whom he could scarcely place any confidence. He hoped there were means of punishing him by the canon law; at least, he wished to see the cure of souls taken from such a man. He did not think it would conduce to morality to prohibit the marriage of the guilty persons in this case. Would it be well to see the lady living with this clergyman as his mistress? Marriage was some reparation for the injury done to society by the adultery, and he was unwilling to deprive the clergyman of that power of reparation. He entreated the House not to deprive the husband of his remedy, by tacking that to the bill which would be amended in the other House. He could not consent to deprive an innocent person of the relief he prayed for, and which the House had determined ought to be granted him.

The Bishop of *Rochester* said, that such marriages were contrary to the express law of God, and were gross, infamous, and scandalous adulteries. He should have preferred a general prohibitory law. This, however, should not prevent him from giving his assent to the particular restriction in question. It was not to be borne, that a man should go from the arms of an adulteress to administer the elements of the body of Christ; that he should be fulminating the thunders of the church against whoremongers and adulterers, while he stood preeminent in guilt himself. But it had been said, that the means proposed went to punish the woman. He denied that it would be a punishment upon her: on the contrary, it would prove a benefit, as it only took away from her the power of gratifying those vicious appetites by which she was at first seduced. The clause was also necessary to prevent the scandal that might otherwise fall upon the church, were the adulterer to pass unpunished by that House; for, though the evidence against him was clear enough for their lordships to act upon it, it might not be sufficient to justify the ecclesiastical court to pronounce sentence of degradation.

The *Lord Chancellor* supported the clause, and impressed upon the House the necessity of coming to a decision as to the legality of the marriages now under consideration. In Scotland, and most of the Protestant states on the continent, they were expressly declared to be illegal He knew of no direct civil process in this country to ascertain the legality of a marriage; and, from the opinion which the House had heard from very high authority, it was to be inferred that ecclesiastical courts would reluctantly give their sanction to marriages contracted between adulterous parties. At all events, it could certainly not be in the contemplation of any one to affect the legality of the marriages already entered into, whatever regulations might be adopted. But the general principle was of too momentous a nature to suffer it to remain any longer in a state of indecision.

The Earl of *Clare* said, that notwithstanding all he had heard, he was not satisfied that the clause proposed would prove a check to the forming of such connections; nor could he approve of the introduction of such a clause into a bill, which might, in its consequences, affect the private rights of many individuals, and reach to an extent of which noble lords might not be aware. Were their lordships prepared to say, that, by such a legislative declaration of the law, they were ready to pronounce, virtually, a sentence of bastardy against the issue of marriages so contracted, and which, as to the matter of law, were heretofore considered as of a doubtful nature? With regard to his own sentiments on the subject, they were in favour of the legality, if not of the propriety, of such marriages. He considered the marriage ceremony to be of the nature of a civil contract between two parties; and if that contract was declared null, his opinion was, that the parties were at liberty to enter into a new contract. The consequence of adopting the proposed clause would be, to give a legislative declaration in a private bill, which would have the effect of a general law, affecting the validity of such contracts. But if such a clause were adopted, the House was bound in justice to declare, that all such fresh contracts, formed under the circumstances which had been stated, were legal, as to the security of real and personal rights, to the issue of such marriages. He repeated, that his objection went to the adoption of a clause in a private bill,

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giving a legislative sanction to settle a disputed question. He perfectly agreed that the offending clergyman ought never to be suffered to officiate in that character. He apprehended that the power of the bishop was sufficient for that purpose, and that he would never be suffered to disgrace a pulpit in England; but he could not agree that if that man should be obliged, by the introduction of this clause, to cast the woman out into the wide world, and expose her to prostitution, or that if he was suffered to marry any other woman, the example would be less an evil, than by marrying her whom he had seduced from her conjugal vow; nay, in his opinion, the only retribution which he could make to society would be to marry that woman. He saw no sufficient reason to deviate in this instance from a general rule, merely because this offender was a priest; for, if not degraded from his office, he apprehended his bishop would have both the power and the disposition to refuse him induction to a living, or a licence to a curacy. His opinion was, that if a general law was passed, compelling every adulterer to marry the adulteress, and if every person setting out on the trade of seduction was to do so with the terror of matrimony before him, it would operate more effectually to prevent the crime of seduction, than any other means that could be devised. If any doubt remained to be cleared up on this subject, it ought to be done by a general law; at all events, he considered it a point of public justice to declare the issue of such marriages heretofore contracted, to be legal.

The Bishop of *Durham* said, he was forced to differ in opinion from his reverend brother in his exposition. He was of opinion, that our blessed Saviour made no such prohibition on the parties as had been asserted; but that he left them at liberty to marry or not: he considered what our Saviour had said, to be an improvement of the Mosaic law; that he had laid down the Mosaic law as the text, and his explanation as the comment upon it; and that his meaning was, to give relief to the injured party, without saying any thing respecting, or giving directions to the offending party. But if such marriages were considered as illegal by the Divine law, with what propriety could their lordships be called on to pass a bill legalizing them?

The Bishop of *Rochester* said, that the opinion he had expressed as to our Saviour's meaning, was the concurring sentiments of the Greek and Latin churches. In the text referred to, he considered our Lord not as an expositor of the Mosaic law, but rather as an original legislator, restoring marriage in its pristine purity. But, though he considered the Divine law as repugnant to such marriages, yet he would tell their lordships why he would concur in legalizing such marriages as had been entered upon. Far from approving them, yet he considered there were many occasions on which they were called to make their choice of two evils, even positive and moral evils. Now if the Divine law was generally misunderstood, and the law of the land was on the side of such marriages, he would agree to protect the issue of such marriages as had been already entered into.

The Bishop of *London** said:—After the very able manner in which the clause proposed has been now supported, I certainly do not mean to take up much of your lordships time, in prolonging the discussion of it. But, on a question of such importance, in which the interests of morality and religion are so essentially concerned, it is impossible for me in the situation which I have the honour to hold in the church, to give a silent vote. I therefore rise merely for the purpose of declaring publicly my entire concurrence in the clause proposed by the noble marquis. I have on former occasions fully explained my sentiments on this subject, and every thing I have heard in the course of this day's debate confirms me in those sentiments. The clause, though it will certainly not go to the root of the evil, yet will surely be some check to adultery, at least on the part of the female. It will take away the encouragement at present given to that detestable crime, by the prospect of a future marriage of the adulteress with her seducer; which is in fact offering a reward to vice, and holding out a premium to adultery. This premium operates most forcibly on the female mind, and tends to destroy that connexion which God and nature have established between guilt and disgrace; a constitution of things, much wiser, I apprehend, and much more conducive to the general welfare of mankind, than that very liberal system of modern ethics which inculcates

* See Hodson's Life of Bishop Porteus, p. 150.

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so much pity and tenderness and indulgence to crimes of the very worst complexion. I am aware, my lords, that this clause is only a partial remedy. It does not go to the punishment of the seducer, who is, I confess, generally the most culpable of the two guilty parties. But this may be brought forward on some future occasion. In the mean time, let us do something; let us do what we can. To crush an evil of such magnitude, we must go on gradually, and proceed step by step. The hydra of adultery cannot be subdued all at once; but we may cut off the many heads of the monster one by one, till at last it may become a lifeless trunk. My lords; I shall only detain you a few moments more, just to notice an argument which has been very much relied upon by the noble lords who object to the clause in question, and which appears to me wholly gratuitous and unfounded. They have always taken it for granted, and assumed it as a kind of *postulatum*, that if the adulteress be not permitted to marry her seducer, she is necessarily and of course driven into prostitution for life. Now this I hold to be an assumption which cannot be maintained. Is there no alternative, no middle and better course between marriage with the seducer and a life of prostitution? Is it not possible, that the adulteress may be struck with horror, with contrition and remorse for her crime? May she not even wish to seclude herself for a time from the world; to withdraw herself from the observation of mankind, and endeavour to recover in the privacy of retirement those virtuous habits which she has unfortunately lost? Instances of this sort are undoubtedly to be found, especially amongst those, who have been educated in principles of virtue and religion, but in some unguarded hour have, by the vile arts of an abandoned man, been betrayed into guilt. This, my lords, has, I know, sometimes happened; and sure I am, that this temporary seclusion gives a woman an infinitely better chance for recovery, than a marriage with her seducer. For, can your lordships suppose, that the conversation and society of a man who has shown himself destitute of every principle of honour and virtue; who has been guilty of so foul and base a crime, as to corrupt the wife of perhaps his dearest friend, and plunge the very object of his affection into a gulph of sin and misery: can your lordships, I say, suppose, that the society of such a man can possibly be the means of restoring to her that purity of mind which he has himself destroyed; or that his house should be the proper school for repentance and for reformation? No, my lords, the true, the only way to bring the unhappy victim back into the path of virtue is, to separate her from the arms of her vile betrayer; to lead her into retirement; to place her under the protection of a few kind relatives or friends, and thus give her an opportunity of making her peace with her offended Maker; and, by the discreetness and circumspection of her future conduct, of recovering in some degree her former character, and re-establishing herself in the good opinion of the world. A noble lord has said, that in his opinion, marriage is a mere civil contract, and that where that contract has been declared void by a competent jurisdiction, the parties are at liberty to marry again. Now this position, my lords, I hold to be a false and dangerous doctrine. Marriage is indeed a civil contract; but then it is also something more. It is a divine ordinance. It is so pronounced to be by our Saviour. It is also declared so to be in our marriage ceremony. Now the Christian religion is incorporated into our constitution, and made a part of the law of the land; and the Liturgy besides is formally established by act of parliament. It follows therefore that matrimony is considered by the law of England as a divine institution. Indeed, if it were not so, why should adultery be considered as so very heinous a crime? what would the breach of marriage be as a mere civil contract but a mere civil offence?

The Marquis of *Buckingham* said, his object was to reduce to some certainty the law on this subject, and to check a mischief which was horridly increasing. Their lordships had heard of a difference of sentiment on this subject, and even from two reverend prelates that evening: all this pointed out the propriety of settling the law. For 150 years past their ancestors had deemed such marriages equivocal; and, for the last 90 years, there had been no legal decision whatever. By the present bill, they were called on to add one more to the horrid code of uncertain laws.

The committee divided; Contents, 27; Not contents, 24. Majority for the prohibitory clause 3.

March 27. The bill as amended was reported to the House.

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The Marquis of *Buckingham*, in moving to agree with the committee in the said amendment, enforced his former arguments. The prospect now held out to the woman, of her being able to regain a respectable rank in society after the loss of her virtue, he considered as a dangerous weapon in the hands of the seducer. He would not say that there was less morality in the present than in any preceding age; but he thought that the opinions which had been propagated of late on the subject of the matrimonial contract, and the facility which the increased wealth of the country had given to the attainment of divorce, had diminished that horror which had been formerly felt at committing the crime of adultery.

The Duke of *Clarence* expressed his dissent from every position laid down by the noble marquis. He did not believe the law proposed would have the desired effect. He was the more inclined to think that it would be grateful to the wily seducer; who would thus feel himself relieved from the claim which the unfortunate female had upon him, and be left at liberty, after he had drawn her from the path of virtue, to abandon her to prostitution and despair. His royal highnes dwelt with much force and feeling, upon the deplorable situation these credulous women would be thrown into, should the principle be adopted.

The Earl of *Suffolk* objected to the clause on the ground of its operating *ex post facto*, and thought that the fairest mode of proceeding would have been to bring forward the principle in the shape of a general law.

The Earl of *Westmorland* thought, that the frequency of application for divorce was more to be attributed to the increased wealth of the country, which afforded a greater facility for making such applications, and to a nicer sense of honour, than to any depravity of morals compared with former times. The other House had rejected the principle of the clause, when put in the form of a bill, and it was scarcely to be supposed that they would assent to it in its present shape: the consequence would be, that if their lordships persisted in maintaining it, Mr. Taylor would be deprived of that relief to which he was entitled. He then argued against the clause, on the ground that marriage was merely a civil contract, the dissolution of which left both parties at liberty to marry again, a principle which he said, had been sanctioned by the uniform practice of the last century.

The Marquis of *Sligo* conceived that the clause would be productive of general good; because it would show those who engaged in an adulterous intercourse that their conduct would undergo a severe scrutiny. As to the charge of the immorality of the times, he was afraid it was too just.

The Earl of *Carlisle* argued against the clause. What our Saviour said on the subject of adultery, he considered had no prohibition against the future marriage of the parties. It would best serve the interests of morality, if the terror of matrimony was impended over the seducer. He strongly objected to the clause, on the ground of its being of the nature of an *ex post facto* law. His lordship next animadverted on the argument, that it would bring scandal on the church, and do an injury to morality, if the reverend seducer and the lady seduced were to be permitted to marry. But even this he did not consider would be productive of so much evil as filling the public prints with proceedings of courts on trials for adultery and applications for divorce, which found their way into most houses, and tended to injure the purity of the female mind.

The Bishop of *Rochester* entered into and elaborate explanation of the constitution and customs of ecclesiastical law. The canon law had been adopted, under certain restrictions, at the time of the Reformation; and so far he considered this code as composing part of the common law of the land. He stated the opinions of cardinal Bellarmine, and other eminent casuists, in favour of the indissolubility of the marriage contract; and observed, that this was the uniform opinion of churchmen and canonists from the time of Constantine to the days of Martin Luther. He stated the reason of this doctrine being called in question at the time of the Reformation, from an idea entertained of its being connected with the popish doctrine of marriage being a sacrament; and, after censuring what Melancthon, Selden, Milton, and others had advanced on this point, his lordship minutely explained his idea of that passage of Scripture in which Christ conversed with the Jews on the subject of adultery. The opinion advanced by archbishop Cranmer he considered to be a mere quibble; that because marriage, in

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cases of adultery, was dissolved, therefore the parties were at liberty to marry again. He lamented the effects which had resulted from parliament, after the Reformation, having neglected to prohibit an after-marriage between the adulterer and the adulteress. Owing to the inadvertence of leaving this matter open, applications for Divorce bills, and particularly in those days of licentiousness, had been encouraged and increased.

Lord *Mulgrave* said, that this clause was to do that by a side wind, which, if done at all, ought to be effected by a direct, and open measure. It was not the means of obtaining justice. It was risking the peace and comfort of an injured man. The Commons had rejected the bill of last year, and if they should reject the present clause, their lordships would be placed in the aukward predicament of undoing what they had done, or of injuring still farther a man sufficiently injured already. Noble lords had considered it a great scandal to suffer this adulterer and adulteress to intermarry. But would it not be much worse that they should continue to live together in a state of open adultery, or that the woman, driven to despair, should fly to a life of prostitution?

Lord *Grenville* said, the clause was nothing more than an effort of that House to promote, as far as in them lay, the cause of virtue and morality, by doing even in a partial way that which they had agreed to more generally last year. With respect to the mischiefs arising from the publication of such discussions as these, he perfectly agreed, that they tended to injure the morals of every private family, and particularly of females. Such was the licentiousness of daily publications, that trials at which the judges in the courts, forbad all women to be present, found their way into the apartments of private houses, and were read by all kinds of people. He denied that any fair conclusion, could be drawn by anticipation of the probable conduct of the other House in respect to the clause. If they rejected it, that was no reason their lordships should not sanction it, in the first instance. This House had been considered as a tribunal not the best calculated to try these questions; and to this opinion he most cordially assented.

The Earl of *Clare* said, that if such a clause was advisable, it ought to have been made the subject of a general law. He could not agree with the right reverend prelate, that the canons of the church were a part of the common law of the land, and stood on the same footing. The canons of the church, before the Reformation, were the contrivance of the popish priests, the children of the see of Rome; at the Reformation, they, in common with all other parts of the rubrick of the church of Rome, were of course annihilated—subject, however, to one special exception. By order of Henry 8th, commission was issued, directing an inquiry to be made into the canons of the church, and to report what part of them might be adopted without prejudice to the king's prerogative, or injury to the laws and constitution of England. A report was made in favour of adopting some part of them, in particular those that referred to matrimony and other ordinances of the church; and, by the 2nd of Henry 8th, it was enacted, that the canons of the church should be in force to a certain and limited extent; as much of them, consequently, as were of authority, derived that authority from statute, and not from the common law of England. He denied the right reverend prelate's assertion, that marriage was *vinculum indissolubile*, and of divine authority. He quoted the canonists to show that it had been so laid down by them, but was contradicted in the writings of many celebrated theologians and learned commentators, who all agreed that marriage was *vinculum dissolubile*. He would not, however, give much authority to the canons of the church in contradistinction to the law of England; on that and that only he rested, and that law, and the practice under it, in respect to divorces, plainly showed that marriage was with us regarded as a civil contract merely, and nothing more. The ecclesiastical courts took upon them to inquire into cases of jactitation of marriage, and if the case was made out in a satisfactory manner, they proceeded to pronounce a sentence of divorce, *à mensa et thoro;* but they would venture to go no farther: and thence the practice obtained of applying to that House by petition, and substantiating by proof the marriage and the criminal facts, in support of the petitioner's prayer to be allowed a divorce *à vinculo matrimonii*. This course of proceeding could neither in the instance of the practice of the ecclesiastical court, nor in the usage and view of the legislature, be right, if the bond

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of marriage was considered as *vinculum indissolubile*. Being only a civil contract, the moment that contract was dissolved, it was dissolved wholly to all intents and purposes. With regard to the doubts that were said to have been entertained as to the validity of the marriages celebrated subsequent to a divorce had and obtained from the legislature, and the legitimacy of the issue of such marriages, he never heard of any such doubts, before last Thursday, he never had entertained a doubt on the subject; and he was convinced that there was no ground for any doubt whatever. With regard to the clause, it would operate as a favour and a bounty to the adulterer, who would be freed from the terrors of matrimony, and encouraged to carry on his trade of seduction.

Lord *Auckland* said, that if it was once established as a general and practical position, that the offending parties might intermarry with each other, the consequence would be, that men of gallantry would make proposals to married women, for the eventual purpose of marrying them, with the same ease and effrontery that they would pay their addresses to an unmarried girl. If the proceeding really tended to such an extreme of profligacy, he should be more than ever confirmed in his opinion respecting the unfitness of parliament to give divorces by a legislative interference. If the courts of common law, or if the ecclesiastical court, or if delegates from both were legally authorized, after a solemn and judicial trial, to pronounce sentence of divorce in cases of adultery, he should prefer such a tribunal to the partial and unequal interference of legislative assemblies. The noble earl was much mistaken when he described the bill of last year, as a sickly infant deserted by its parent, and left to expire on their lordships table. That same infant had been introduced to the House thirty years ago by the duke of Athol; it had been adopted ten years afterwards by the present bishop of Durham. In both instances the House of Lords had passed the bill without one dissentient voice. But neither the fate of the last year's bill, nor the probable loss of the clause now under discussion would affect an opinion which he solemnly believed to be founded in immutable principles of morality and religion.

The Duke of *Bedford* said, that the question appeared to him to rest on two points: Was the clause likely to check adultery, or, was it not more likely to encourage the commission of that crime? and, was it just and candid to put the petitioner in the injurious situation in which the clause would place him? He contended, that the clause would operate as an additional punishment on the most innocent party. The party most to be reprobated was doubtless the adulterer; and yet the clause would cover the wolf in sheep's-clothing, instead of branding him with infamy.

The *Lord Chancellor* said, that with regard to marriage being a civil contract, it undoubtedly was a civil contract, but it was, in the whole view of it, and even in the ritual itself, declared to be a divine ordinance, and had ever been so considered by the ministers of the church of England, and by all polemical writers.

The House divided: Contents, 29; Not Contents, 56. The clause was therefore rejected.

The Earl of Suffolk's Motion respecting the Paper Currency of Country Banks.] March 30. The Earl of *Suffolk* rose to call the attention of the House to the Circulation of Country Bank Notes, and said:—The present, my lords, is not a political question; and I am therefore, somewhat sanguine in my hopes, that what I shall ultimately propose will meet with general concurrence. Public motives alone actuate me in trespassing on your attention; for personal ones I have none. I trust that I am free from all suspicion of avarice! and ambition, since the late severe blow that I suffered in the loss of my eldest son, has been completely dead within me. It may by some be supposed, that, as a military man, I must be uninformed on the present subject; but perhaps, some little credit may be thought due to the opinions of one who, in the eighteen years since he came to the estate attached to his peerage has doubled its value, after having laid out at least 20,000*l.* in repairs, and made the best of roads in a country that before was scarcely passable. Having no power to raise money on mortgage I have done this, out of my income, besides realizing a personal property of at least 20,000*l.* without debts or incumbrances, I do not speak this from egotism or vanity; but to show that I am not altogether without pretensions to an acquaintance with the subject before the House; and if other peers would follow my example, instead of scrambling for

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places and pensions, their characters would probably stand higher in the country.—My lords: Among the causes of the high price of provisions, I should be led to consider, 1st, The present protracted war. The consumption and waste in carrying it on are incredible. The number of persons employed in the navy and army may be estimated, at 400,000*l.*; and I think myself warranted in saying, that the provisions furnished on their account would maintain 1,000,000 in time of peace. 2dly, The enormous taxes that have been imposed for carrying on the contest. 3dly, A partial scarcity in the single article of wheat. 4thly. The duke of Portland's letter; which I consider as having tended to double the price of grain. 5thly. The grand evil of all, paper credit. On this subject, let us advert to the opinions of Dr. Adam Smith; who says, that the real wealth of the banker is exactly equal to the quantity of his money or paper for which he receives interest. In proportion as he increases either, he really increases his wealth; but as the increase of his paper by no means increases the national wealth, the increase of his particular wealth must be at the expense of the nation at large. The power (says he) acquired by wealth, is the power of purchasing a certain command over all the labour, or produce of labour, in the market. The banker, by increasing his money by means of paper, increases his wealth, and consequently, his power over the market; but, as his power is increased, the power of all others who come to the same market must be diminished. First (says he), the banker would never issue paper but for his own advantage; consequently of the tax that is levied he will have a principal share. Secondly, the merchant who borrows the paper does it only with a view to profit; therefore he, too, must have a considerable share. Thirdly, and lastly, if the labourer has any share, it can only be from that part of the interest which is applied to increase production. But by far the greater part of the increase is employed in buying and selling; consequently whatever trifling advantages he (the labourer) might have had from the advance of wages, will be more than counterbalanced by the advance in the price of commodities.—Whoever will take the trouble to compare the rate of wages and price of provisions 30 years ago, with what they are at present, will find, that although wages have been raised, they will not purchase now the same quantity of necessaries that they would have purchased at that time. Dr. Smith justly observes, that the affluence of the few always supposes the indigence of the many; whatever enriches one part of the society, without increasing the whole amount of the riches, must necessarily impoverish the other. Indeed, my lords, nothing appears more surprising than that ever it could have been supposed that a man could double or increase his own fortune, merely by writing his own name on a bit of paper, without robbing the other members of the community. I agree with Mr. Boyd, that the great source of the evil is the stoppage of the bank of England; and that the resumption of payment in specie, gradually introduced, would gradually reduce the circulation of country banks to its natural and proper limits.—In what I have further to state, I shall confine myself principally to the issue of paper; and 1st. It would be very proper to ascertain the number of country bankers which have been conjectured to amount to about 400. There are frequently many persons in a firm; all of them living in great affluence: and at whose expense do they so? Why, at that of the artificer and labourer, while their whole labour is wholly unproductive to the state. It might not be impolitic to oblige these persons to take out licences at 50 or 100*l.* each, a measure which would at once ascertain their number and aid the public revenue. 2ndly. These banks have their agents in every town and district to circulate their paper; of which, supposing each firm to issue but 30,000*l.* and taking the number of banks at the low estimate of 400*l.*, the nominal value of this kind of paper in circulation must be 12,000,000*l.* 3dly. I observe, that two acts of parliament (15th and 17th Geo. 3rd) prohibiting the issue of notes under 5*l.* have been expired these 15 or 16 years. These ought to be immediately renewed, or others framed for the like purpose of restriction. 4thly. The country bank notes should be numbered to ascertain their quantity and extent. I may be told that this paper circulation is a private transaction with which the legislature should not interfere; but my lords, wherever private transactions tend to public injuries, it is the duty of the legislature to interfere. 5thly. Let me suggest the propriety of imposing a shilling stamp duty upon every pound or guinea value for which any country bank

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note should be issued; which would either have the effect of abridging the circulation or, out of the immense profits of these bankers the public purse would share 5 per cent. Is it not strange that we can restriot the issue of bank of England paper yet that the circulation of country bank notes shall be unlimited? 6thly. An expedient which I should think likely to be attended with beneficial effects in reducing the price of corn, would be the establishment of public granaries. I am told that his grace of Athol has adopted them in the Isle of Man; and the noble duke will probably be good enough to inform the committee as to the effect that they have produced. 7thly. A general equalization of weights and measures ought to take place throughout the kingdom. At present, one Carlisle bushel is equal to three Winchester ones; and, not unfrequently, there is great variance between the measures even of the same county. 8thly. With respect to the sale of corn in the metropolis, it is clear that the best effects would result from the having two general markets instead of one; which would excite competition, and in a great measure defeat the machinations of the monopolist. Further to prevent combination and forestalling, it would be desirable that all the markets throughout Great Britain should be held on the same day, and, as nearly as possible, at the same hour. 9thly. With regard to fish, which might, with great advantage, from our insular situation, be called in aid as a substitute for other provisions. A private individual, about 35 years ago, reduced for some months the price of fish in the metropolis one half, by his single exertion I must again repeat, however, that the price of provisions cannot be lowered till the quantity of paper currency is lessened If government will not apply that remedy which, in my opinion can alone correct the evil, I shall entreat your lordships, instead of receiving as now you do nine-tenths of your rents in country bank-paper, to forbid your stewards and agents to accept of any payments but in bank of England notes, or in specie. I shall now take my leave of the subject, with moving, "That it be an instruction to a committee of this House to inquire into the extent of the Paper Currency issued by Country Bankers, in order to ascertain what effect it may have had on the High Price of Provisions."

Lord *Hobart* said, with respect to bank notes, he should only observe, that under the present system the country had grown to unprecedented greatness; and before he would consent to alter that system, he must be sure indeed of the efficacy of the proposed measure.

The Earl of *Warwick* supported what had been said of the pernicious effects of country banks, and stated some instances which had fallen immediately under his own observation.

Lord *Auckland* said, he should confine himself to a few remarks on what had been insinuated respecting the effect of paper credit and of the country banks, in contributing to enhance the price of grain and of the necessaries of life. It was dangerous to ascribe a popular calamity to a public cause ill understood by the people. It is natural for those who are suffered to listen with credulity to rash and ill-judged offers of advice. And if what had been alleged that night of the mischiefs occasioned by the country banks should gain a general belief, it might produce a sudden and fatal explosion of the whole fabric of our national wealth and greatness. The subject of paper credit is peculiarly open to misconceptions. It is not generally understood, and yet it is undoubtedly true, that gold and silver coins in their relative proportions, are not more valuable than so many pieces of paper purporting to be current for a certain denominated sum of money, and circulating at that value without depreciation. One of the noble lords had talked contemptuously of the country bank notes as so many bits of paper with stamps upon them. But he must entreat the noble lord to recollect that those bits of paper are issued for a specified value in consequence of an equivalent received, and that they are all payable on demand in notes of the Bank of England, or in guineas. And therefore the country bank notes are not liable to be depreciated, and can never remain an hour in circulation if the quantity issued should be beyond what the demands and industry of the community can keep afloat. Our unparalleled expenditure has been maintained by the aid and effect of our paper credit. If that credit were carried too far, the remedy would present itself, and the bills issued would be returned to the banks which issued them. Without the aid of the country banks, the cultivation of lands would be checked, the industry and ingenuity of our manufacturers would be sus-

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pended, and multitudes would be starving who are well fed notwithstanding the pressure of scarcity. He saw no reason to believe that the circulating paper had increased in any proportion beyond the increased employment that is found for it. He would not deny that prices had been carried beyond any just pretensions to a reasonable profit; but the true cause of the present distress should never be put put of sight.

The motion was put, and negatived.

Debate on the Irish Budget.] April 1. The House having resolved itself into a Committee of Ways and Means,

Mr. *Corry* (the Irish chancellor of the exchequer) said, that before he entered into the statements of the charges upon Ireland, he should say a few words about the finances of that country. The principle of the Union, which was so much to the interest of both countries, agreed upon, was a principle of complete and entire union of the governments of the two countries. As far as respected the governments, that principle had been completely carried into effect. It was no longer an union of two crowns; it was an union of the sovereignty. But, owing to some circumstances subsisting antecedent to the union, it became necessary, for a short time, to administer the finances of the two countries in a separate manner, and not in that perfect unity, which it was the object of the great measure to which he had alluded to effect. As, therefore, at present, the finances of the two countries were separate, it would be necessary for him to state them in two points of view; both as they affected Ireland separately, and in conjunction with great Britain.—He would now proceed to state the separate charges, the first of which was the interest of the national debt, which formed the great article of the separate charge upon Ireland, as the military expense formed almost the whole of her joint charge. With respect to the debt of Ireland, it would appear, to ears accustomed to the hundreds of millions of this country, to amount only to a small sum; it was at present no more than 36,000,000*l.* It was, however, a burthen of great importance to that country, and had increased rapidly during the present war. The proportion of the debt of Ireland, at the commencement of the war, was, to the debt at present, in the proportion of 1 to 14. Her debt, at that period, was to that of England as 1 to 100; but now the proportion of the debt of Ireland was to that of England as 1 to 10. But a large part of the debt of Ireland was in 5 per cents; and if this debt was reduced to 3 per cents in which a great part of the debt of England consisted, then its proportion would be as 1 to 8 to the permanent debt of England. The interest upon the debt of Ireland amounted to 1,696,000*l.*—The next article of the separate charge of Ireland was 622,000*l.* for the compensation for boroughs, which was all that it was thought desirable to raise in one year. The next item was 100,000*l.* for the improvement of the inland navigation; these three sums made something more than 2,400,000*l.*, which formed the separate charge that was to be provided for by Ireland. With respect to the proportion of the joint charge which Ireland was to bear, a very large part of it, viz. 4,150,000*l.*, was for the military expenses. The other part of the joint charge, which was for civil purposes, amounted to above 600,000*l.* making together something more than 4,700,000*l.* exclusive of 300,000*l.* for the vote of credit. This, added to the sum necessary for the separate charge of Ireland, would make the whole amount of the supplies necessary to be provided by Ireland for the present year somewhat above 7,100,000*l.*—He would now state the ways and means by which he proposed to cover this charge. It was customary, in the parliament of Ireland previous to the union, to grant the supplies from the 25th March in one year, to the 25th March in the next year. Last year the same plan was adhered to, and the supplies were granted to the usual period, and provision was made accordingly. But, in consequence of the act of union, the joint charges between the two countries commenced from the 1st Jan. 1801, and consequently the supplies from that period to the 25th March must be thrown into the joint estimate. It would therefore be necessary to disappropriate the balances remaining in the treasury of Ireland for the period he had mentioned, in order to make them applicable to the current service of the present year. The balances in the treasury of Ireland on 1st Jan. 1801 amounted to 1,697,000*l.*, besides 800,000*l.* the balance of the loans. In addition to those, were to be taken into consideration the revenues of the country, which consisted of the same leading articles as those of Great Britain, viz. in

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customs, which, in Ireland, were termed port duties; in inland duties; in the assessed taxes; and in the revenue arising from the post-office. The income arising from the port duties amounted to about 2,500,000*l.*; from stamps, about 150,000*l.*; and from the post-office, only about 20,000*l.* after defraying the charge of collecting. In estimating the revenues of the current year, he should form his calculation upon the three quarters of the year up to Christmas last; they amounted then to 1,800,000*l.* consequently he should take their whole produce at 2,400,000*l.* —He begged leave here to remark, that, in the revenue received in the three quarters upon which he was calculating, there was not included any produce of the duty upon malt. The reason of this must be obvious; the distress of the country was so great, that it became necessary to stop the making of malt. It was permitted for a short time in October; but as the officer did not make his return until a month after it was collected, and as a month's time was given for its payment, the duties which arose during the short period that it was allowed to make malt, did not come within the three quarters upon which he had estimated. He would take the produce of this duty at 200,000*l.*, which would make the revenue 2,600,000*l.* It had been usual, in Ireland, to have one or two lotteries in the course of the year; and he should propose one for the present year, the produce of which he should take at 150,000*l.* The sums applicable to the service of the present year would then be 5,247,000*l.*—From this there was to be a deduction of 230,000*l.* for the loyalists, which it was necessary to pay as soon as possible, in order to enable those unfortunate persons to rebuild their houses, and to restore the industry of the country. There was also a sum of 70,000*l.* to be deducted, paid by Ireland to her forces in the garrisons of Great Britain; which would leave the sum applicable to the service of the year, 4,947,000*l.* There was another sum which he had to mention, though it did not form a part of the charge or expenditure of the present year; and that was about half a million of exchequer bills, or treasury bills, as they were called in Ireland, because they were calculated in the debt which he had stated, and provided for in the interest. They were, therefore, no charge upon the public this year; except as they were issued at 5 per cent, and the money borrowed to pay them was at rather more than 5 per cent. It was also to be observed, that as long as they remained exchequer bills, there was not the expense of one per cent for the sinking fund, which would be necessary as soon as they were funded; but, with the exception of this sum, which did not exceed 10,000*l.* they constituted no part of the charge of the present year. The ways and means being therefore unequal to the supply of the year, it became necessary to borrow the sum of 2,500,000*l.*—He should now state the new taxes. The sum necessary to be provided as the interest and charge of the debt (including the one per cent for the sinking fund) would amount to 188,000*l.*; but, in providing the taxes, it would be necessary to take into consideration three other items. In consequence of the Union, there were to be no duties upon the exports and imports from either country; and in the arrangement of the duties, there would be a deficiency on the part of Ireland of 60,000*l.* and that sum it would be necessary to make up. There was also a small tax upon absentees, not exceeding 8,000*l.*; but as gentlemen were now bound in duty to attend a certain part of the year in this country, it would be absurd to make them liable to a tax for that which they did in discharge of their duty. It was therefore intended to abandon it. Another article by which the revenue of Ireland would be diminished was, the duty on hops, which it was necessary to reduce to what it was in this country. This would create a deficiency of 75,000*l.* These would make the sum necessary to be provided for by taxes 263,000*l.*—In selecting the new taxes it was natural for him to look to those of this country. It was besides desirable, that the taxes should be upon the same articles, if not to the same amount, in the two countries. The first article would be that of sugar. The duty he should propose was 2*s.* per cwt. He should estimate the revenue arising from it at 24,000*l.* The next article was tea. As the duty took place at present upon this article in Ireland, it became lower as the price of the article rose. He proposed to impose a duty of 20 per cent upon all teas sold at the India House under 2*s.* 6*d.* per lb., and 35 per cent upon teas above that price. He did not, however, state at what he estimated the produce of this tax. He next adverted to the post-office, the produce of which was only 25,000*l.*; he proposed

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some regulations, which he estimated would produce an additional 5,000*l.* He then proposed an additional duty on notes, bills of exchange, receipts, bonds for the payment of money, and policies of insurance. The circumstances of Ireland would not permit deeds to be included. He estimated the produce of this also at 5,000*l.* With respect to policies of insurance, they were little known in Ireland; and he principally wished the present duty upon them to be imposed in consequence of fears which had been expressed by under-writers in this country, that persons might open policies in Ireland, and thereby evade the payment of the duty imposed upon them here; the duty now proposed, therefore, would at any rate effectually prevent that evasion, if it did not form in itself any productive source of revenue. With respect to the article of taxation he meant next to advert to, he particularly wished not to be misunderstood; he alluded to the article of coals, which, before the Union, had been imported into Ireland from this country, paying a duty which produced 17,000*l.* a year. This duty having ceased in consequence of that event, all he wished was, to revive it as a part of the present revenue of that country. This duty would be 10*d.* per ton, and would produce the same sum as before, 17,000*l.* per ann. The next article was the distillery. The duties upon this had formerly produced 400,000*l.* per ann. In the last year, however, they in a great measure failed, the use of grain in distillation having been prohibited. Sugar had been resorted to as a substitute, and the drawbacks upon that article amounted to 500,000*l.* The number of gallons of spirits produced by the distilleries in Ireland had been 3 or 4,000,000; from the distresses of the people, however, the consumption would be considerably diminished, and he would only take the number of 1,000,000 of gallons, upon which he proposed to lay a duty of 2*s.* 3*d.* per gallon, which he estimated would produce 112,000*l.* per ann. He proposed also some regulations relative to the drawbacks upon the sugar used in the distilleries. The whole amount of the proposed taxes he estimated at 294,000*l.*—He wished to say a few words relative to the saving accruing to Ireland by its union with England, which appeared to be exactly 1,000,000*l.* If, however, it was more closely investigated, the million would be reduced to 369,000*l.* which was the exact sum that Great Britain contributed towards the expenses of Ireland, more than the latter contributed to the expenses of the former; and perhaps it would be found when so large a military force in Ireland became less necessary, that the expenses of the two countries would be as nearly equalized as possible, since a great part of the balance of expense arose from the charge of a military force which did not form a part of the permanent establishment of Ireland. He lamented that facts had been stated by so many gentlemen from Ireland that rendered the necessity of a large military force in that country too apparent. He hoped those facts would not tend to raise a prejudice in this country against Ireland, or prevent capitalists from embarking thither with their property, for whether they went as farmers or manufacturers, they would find their prospects equally beneficial, and their advantages equally great—they would find it a country in which they might employ their capital with the most profitable return. The climate was in the highest degree favourable, and the country was capable of becoming the granary of Great Britain, and of affording it that supply for which it now depended upon the caprice of foreign powers. He concluded by moving resolutions according to the tenor of his speech.

Sir *John Parnell* entered into a financial detail to show that the statements of Mr. Corry were not accurate. He particularly objected to the right hon. gentleman taking credit for the sum he had mentioned to be in the Exchequer, on the 1st of January 1801, as there were arrears to a very large amount which it had to discharge. He maintained that England would have to pay 2,000,000*l.* on account of Ireland, as the expenses of Ireland this year would not be less than 9,000,000*l.* There might be a saving to Ireland, but how much greater a sum was even 7,000,000*l.* than she was accustomed to pay a few years ago? In the year of her rebellion her whole expense did not exceed 3,500,000*l.* The system was becoming worse and worse daily, and if persisted in, must occasion the ruin of the country. As England was to pay all above 7,000,000*l.* he begged gentlemen for their own sakes to look more narrowly into this subject. The expense might seem trifling, but England, in her present situation, could bear no addition to her

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burthens. The vessel was already full, and a drop more might make the waters of bitterness to overflow.

The Resolutions were agreed to.

First Report from the Commons' Committee of Secrecy on the State of Ireland, and the Proceedings of certain disaffected Persons in both parts of the United Kingdom.] April 1. Mr. Chancellor Addington presented to the House, by his majesty's command, "Copies, and Extracts of Papers, containing Secret Information received by his Majesty's Government relative to the State of Ireland, and to the Proceedings of certain disaffected Persons in both Parts of the United Kingdom," sealed up. The said papers were referred to a secret committee of twenty-one members, which was ballotted for on the following day.

April 13. Mr. Pelham presented from the said Committee the following

REPORT.

THE Committee of Secrecy, to whom the several papers, which were presented (sealed up) to the House, by Mr. Chancellor of the Exchequer, upon the 1st and 2nd days of this inst. April, by his majesty's command, were referred; and who were directed to examine the matters, thereof, and report the same, as they shall appear to them, to the House:

Have proceeded, with the utmost diligence, to the consideration of the matters referred to them; but, from the extent and variety of the information respecting different parts of the United Kingdom, which has been laid before them, they are under the necessity of requesting the indulgence of the House for a short time, before they can submit the result of their investigation on all the points to which it has extended.

Your Committee, however, think it incumbent upon them to state, without delay, that they have received the fullest proofs that the dangerous and treasonable conspiracy for the subversion of the constitution and government, which in the year 1798, in concert with a foreign enemy, produced the horrid and sanguinary rebellion in Ireland, and the progress and extent of which, in Great Britain, is detailed in the report of the committee of secrecy in the year 1799, has never been abandoned.—The hopes and activity of the disaffected were checked, and their intentions frustrated by the vigilance of government, and by the effect of the laws which were adopted: But their principles and designs remained unchanged, and they have, for some time, and more especially of late, been endeavouring to take advantage of the distress occasioned by the high price of provisions for carrying those wicked designs into effect:—It has particularly appeared to your Committee, that the instigators of these proceedings have, on repeated occasions, secretly expressed their wish for the aggravation of those evils, which they every where endeavour to use as a pretext and engine for exciting popular discontent:—They appear to have derived their principal encouragement from the pressure arising from the scarcity: from the hopes of assistance from a foreign enemy upon the invasion of Great Britain or Ireland; and from the expiration of the laws before referred to, which, from the concurrent testimony of different parts of the kingdom, they acknowledge and declare to have been the principal obstacle to their measures.

Within a few weeks past, and to the latest period to which the information received by your Committee can apply, their activity has been great, and increasing in the metropolis, and in other parts of the kingdom; every effort is employed that can tend to disturb the public tranquillity; and recent intelligence has been received from different quarters, which justifies your Committee in believing, that, at this moment, the immediate object of the disaffected is, to endeavour, by a sudden explosion, to avail themselves of the interval which may still take place before those laws can be renewed. The dangerous system of a secret confederacy, under the obligation of an unlawful oath, which prevailed in Ireland, and afterwards extended itself to Great Britain, has been revived, with additional precautions, for the purpose of eluding detection, and of insuring concert, secrecy, and dispatch: And it appears to be in agitation, suddenly, by these means, to call numerous meetings, in different parts of the country, at the same day and hour, to an extent which, if not prevented, must materially endanger the public peace; and that among the persons most forward in instigating these criminal proceedings, are some of those who had been detained under the suspension of the Habeas Corpus act, and who have been recently released from confinement.

These considerations, your Committee have felt themselves bound to submit, in the first instance, to the wisdom of the House, believing that any delay in so doing would be attended with material danger to the country; and, for the same reason, they feel it a duty incumbent on them to take the first moment of stating to the House, their strong and unanimous opinion, grounded on the information which they had received, that no time ought to be lost in renewing those measures of precaution which the wisdom of the legislature has before adopted; particularly the act for the suspension of the provisions of the Habeas Corpus act, and the act to prevent seditious meetings; which, while they remained in force, were attended with the happiest effects in preserving the public tranquillity, and

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which your Committee have the most confident hope would have the same salutary operation under the present circumstances.

The question being put, that the said report be taken into farther consideration to-morrow, the House divided:

TELLERS.

YEAS { Mr. John Smyth - - / Mr. Long - - - - - } 128.

NOES { Mr. Sheridan - - - / Mr. Jones - - - - } 31.

So it was resolved in the affirmative.

Debate in the Commons on the Habeas Corpus Suspension Bill.] April 14. The order of the day being read for taking the Report of the Secret Committee into consideration,

Mr. *Pelham* rose to state the reasons which induced him to bring forward the present motion. By the report of the Secret Committee, the House would see the necessity of reviving those laws against sedition and treason which had been suffered to expire. The country had been indebted for its tranquillity to these measures, and if its safety was again endangered, there was no reason why they should not again be resorted to. He adverted to the report that had been laid before the Irish parliament in 1798, of the practices which led to the sanguinary rebellion, and also to the more detailed report of that rebellion which was laid before the British parliament in 1799. It thereby appeared that a standing committee was held at Hamburgh, which kept up a communication with the disaffected in this country, and likewise with the common enemy abroad. If the House should see that the persons who embarked in these treasonable practices were dejected and confounded by the measures that were adopted in compliance with the advice of these reports, and that immediately on the expiration of those laws, the same persons aroused anew from their dejection, and endeavoured to take fresh and more dangerous means of disturbing the tranquillity of the country, by collecting together the lower classes of the community, and binding them by criminal oaths to resist the lawful authority of the government, they surely would lose no time in re-enacting those laws, by whose salutary constraint these treasonable machinations had been frustrated. The suspension of the Habeas Corpus act was a measure of severity, and placed a power in the crown which it was the duty of the House to look upon with a jealous eye. It was however, a measure of prudence and precaution which the nature of circumstances might call for, but which always cast upon ministers an additional weight of responsibility. The committee advised the recurring to that measure at present, and also to the bills for checking sedition and treason. He would therefore move, "That leave be given to bring in a bill for reviving and farther continuing, for a time to be limited, several acts, made in the 38th, 39th, and 40th years of his present majesty's reign, and in the last session of parliament, for empowering his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government."

Mr. *M. A. Taylor* said, that as no proof had been adduced to show the urgency of the measure, the House ought to search into deeper grounds than the mere report of the committee, before they assented at one day's notice, to the introduction of an act that deprived the country of the great Palladium of the constitution. He complained of the manner in which the committee had been formed. It was said to be by ballot; but he wished it had been chosen like election committees. At least it should not be composed wholly of members of one side of the House. None were to be found in it, but those connected with the former ministers. He feared, indeed, that the new chancellor of the exchequer would adopt the measures of his predecessor. He must, however, remind the House that the acts of that administration were acts of violence. No danger could arise from a short delay. Besides, where was the necessity of arming ministers with such power? Could they not take up suspected persons as well without as with it? Yes; but then they must bring them to trial in a reasonable time. This was not what they wanted—their wish was to detain persons in custody longer than the law allowed. There were persons now in confinement for certain publications and papers. Why not lay those papers before the House? Why not inform the House of the new steps pursued by the seditious authors of those publications? As to the other bills that were intended to be brought in, the real object in introducing them was, to intimidate those who wished to call their constituents together, to consider of the grievances of the country. By means of

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these bills any one magistrate might put an end to such meetings. This conduct on the part of ministers tended to coerce, not to conciliate.

Mr. *Curwen* said, that, respectability of character in the gentlemen who composed the committee was no parliamentary ground to proceed upon. Unless some real danger existed, the constitution should not be wantonly violated. This was the first act of the new administration, and their moderation would show whether the change that introduced them was a change merely of men, and not of measures. This act was strongly tinctured with the spirit of the late administration. If the danger of the country was so great as ministers insinuated, why have suffered the House to adjourn? Had the danger so rapidly increased during those eight days as to render that measure necessary, which did not seem to be called for before the recess? For his part he never witnessed a greater degree of patience and resignation than that which now marked the conduct of the poorer classes. Let ministers point out the dangers of the country, and he should be among the first to give them his support. Until these proofs operated upon his conviction, he could not surrender the best rights of the people.

Mr. Chancellor *Addington* said:—Sir; an hon. gentleman has taken notice of the mode of choosing a committee by ballot. Upon this I say, that I know of no mode that would afford such opportunity for the exercise of choice, as that of ballot. A committee formed by open nomination, has not the same advantages. There is, in open nomination, an unwillingness to state objections to persons, but here every member can place on the list, or erase therefrom whatever name he pleases. It has, indeed, been condemned by gentlemen on the other side, when in opposition, but adopted by them when in administration. I therefore stand on the usage of parliament, when I say, that this is the best practical mode of choosing a committee on such an occasion as this. Sir, I have no difficulty in acknowledging the regret and disappointment I felt in presenting those papers on the last day but one of the sitting of the House. I stated then, that I had indulged a hope that there would have been no necessity of bringing the subject before parliament at this time. I did once believe that the remnant of disaffection was so small, that those measures which were adopted by former parliaments, would not have been necessary at this period; but I now feel that necessity; not because the disaffection has increased, but because the subject on which disaffection operates, is increased. That spirit of malignity which seeks the ruin of all subsisting systems of order in society derives strength, from public calamity; and, accordingly, certain disaffected persons have been busily endeavouring to turn the distresses of the people, arising from the high price of provisions, into a discontent towards the state. It is not the people who are discontented, but a delusion has been practised on them, and many who unavoidably suffer have been taught to believe that their distresses arise from the fault of their rulers, and that they can obtain relief only by acts which are an absolute violation of the law. Let it not be said, that there is in us any distrust of the loyalty of the people of England. I disclaim any such sentiment. I know they are loyal, and I know too, that unless they were so, such a measure as this, or, indeed, any measure, would be useless, since it must be sustained, if sustained at all, by the good opinion of the virtuous part of the community. It is asked, if the measure be not an unkind return for such conduct on the part of the people; and whether it would not be more becoming in parliament to conciliate than to coerce the people? I admit it. But I would ask, whose interest should we conciliate if we followed the course of those who are endeavouring to inflame their passions, by exciting in their minds a prejudice against government? Are the rich to be conciliated by telling them, "You have preserved your loyalty, we will not molest you by vexatious acts of parliament, but leave you to the spoliation of some of the most desperate of the discontented in the country?" Are the poor to be conciliated by telling them, "You have borne with admirable patience the distresses which have fallen to your lot, but we will leave you to the plots and contrivances of those who have been endeavouring to work your ruin." Is that the way to conciliate the people of England? No, Sir; we must satisfy them that their happiness is our object: to accomplish which we must perform our duty. The first part of that duty is to relieve them, as well as we are able, from some of the pressure which they suffer; the second is, to advise and direct them

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wisely, which includes an instruction to them not to violate the laws; but above all, to preserve, support, and, maintain the constitution of our country, and that is the main object of the measure now before you. It is said, that the present is a measure which comes from the recommendation of other ministers. On that subject what I say now shall be short. When I speak my own sentiments, I speak also the sentiments of my colleagues. We would not propose measures merely on account of their having been measures of another set of men; but I have no hesitation whatever in declaring, that it is from the wisdom and vigour of his majesty's late ministers that we are now enabled to discuss any subject in this House. They fought the battle of the Revolution, and obtained a glorious victory. I think the measure now before us was highly conducive to that victory. I have never thought of it, however, without anxiety I have always felt, that every measure of restraint can be justified only by the necessity which occasions it. When that necessity shall cease to exist, I trust that parliament will be ready to remove such restraints as these with more alacrity than they imposed them. Sir, I know, perfectly the temper with which measures of this sort are met. The men against whom they are framed, naturally oppose them whenever they are offered. Such men act in open hostility to the constitution, when these measures are in abeyance; but when they come under consideration, the same men plead that constitution as a bar to the measures; that is, they attack the constitution in a way which renders these measures indispensable, in order to repel such attacks, and then they turn round and plead the very constitution which they have so attacked, against the system which is adopted to defend it. I know that hon. gentlemen opposite are incapable of this practice. I feel it incumbent on me to say, that their attacks are not of such a character: they are pleading against a measure which they think unconstitutional, but which we think essentially necessary.

Sir *Francis Burdett* said, that, day after day, he had watched the measures of ministers since their accession to power, and, from every observation he had made, he could not draw any distinction between the late and the present administration. He had followed their measures only to be a witness of the enregistring of edicts, all tending to the destruction of property, liberty, and the remnant of that which formerly went by the name of the British constitution. That such was the system pursued by the late administration, was what no man, who would admit the evidence of his senses, or who had not given up his reason, would deny. He was at a loss to give a name to the play to be performed this evening in St. Stephen's theatre. He knew not what to make of a drama which opened with a farce and ended with a tragedy. What was it? A secret committee to inquire into the state of Ireland, or rather to justify the House for having passed a bill to authorize martial law in that country;—a measure to operate as a vote of credit on the blood of the people of Ireland. The report of the secret committee he considered as a justification of that vote of credit, and a recommendation of a bill which was to deprive every man in this country of the protection of the law. But the plea of necessity was resorted to. Once admit that plea, and their was an end of all political and moral justice, and national character. What was that plea? seldom meaning any thing often nothing. It was the plea of the assassin, the thief, the murderer, the calumniator. He could neither admit the plea, nor the evidence of its existence. Why did he refuse his assent to the existence of such a plea? Because he recollected that the reports of the secret committees of this House had propagated the most gross and scandalous libels. [The hon. baronet was here called to order by the Speaker, who said, he could not permit such language to be used.] Sir Francis observed, that he alluded to what had passed in former parliaments, when those things were taken to be facts which were afterwards proved to be false. He wished the House, before it consented to renew the system of coercion, to examine what had been its effects in Ireland. He desired to call their recollection to the transactions of that country; and he trusted it would operate as a warning to the House, not to suffer the same bloody career to be traced in this country. Upon looking into the history of the two countries during periods somewhat similar, namely, at the close of the American war, he found that at that time so little was the tendency to revolt in the people of Ireland, that, of the troops which by compact were to be kept in that country, 9,000 were transported

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to America to fight the battles of this. At that time, too, rumours of an invasion were as strong as at the present moment. We had the combined fleets of France and Spain in the channel, yet, on that trying occasion, what had been the conduct of Ireland? Sixty thousand volunteers, all sons of Ireland, self clothed, self paid, and disciplined, rose to repel off the invader. What then did Ireland do with respect to this country? Did she attempt to cut asunder the connexion? No; she placed herself in the opposing attitude of keeping off with one hand the foes of the country, and with the other presenting the schedule of her rights.—What rights? The rights of her maritime trade, and the freedom of navigating those seas with which she was surrounded. Compare the conduct of Ireland at that time with what it had been since. It had not only armed volunteers to oppose this country, it had not only been ready to receive foreign invaders, but it had gone further. The people of Ireland had delegated ambassadors to the French republic, to invite invasion. Was this owing to the good or bad government of the country? What had produced this change of sentiment? He should be told, no doubt, that it was the spirit of Jacobinism? He denied the assertion; it was the horrible acts of the Irish parliament; acts which were instigated by the wicked policy of the ministers of England. In proof of this, he would refer to the speeches of members of the parliament of Ireland upon the discussion of the Union. The effect of such a system was natural. It succeeded in rendering the parliament of Ireland so hateful, that the people were glad to get rid of it. He wished those who asserted the alteration in the sentiments of the people to be the effect of Jacobinism, to tell him what was the meaning of that term. Let it be defined what it was that was appealed to on all occasions, served every turn, answered all argument, deluded the weak, and had been so long the war-whoop of ministers. Did Jacobinism consist in interfering in the concerns of a foreign independent nation, and squandering our own blood and treasure in order to force it to change its government? Did it consist in irritating a nation to murder its sovereign, and, in denouncing a whole people as traitors? Or was it to be found in the erection of Bastiles, the abolition of the trial by jury, or the subjection of the people to inquisitorial tortures for political opinion? If this was Jacobinism, it was the practice of regular governments; it was the system of the Ex-Jacobin Heaven-born minister. Was it Jacobinism to assert and maintain the liberties of the people; to do the duties of a member of this House; to keep a jealous and constitutional eye upon the encroachments of the crown? Was it Jacobinism to denounce such encroachments, or to subscribe to the sentiment that the influence of the crown had increased, was increasing, and ought to be diminished? If it was so, it was the old Jacobinism of the constitution, which ministers could not, or would not suffer, because they well knew there was no choice for them between the slavery of the country, and the punishment of themselves. But he wished others would pause before they entered into that tract which led to blood and destruction. He hoped they would remember that the situation of this country and of Ireland was not the same. It would not be so easy to get the soldiers of this country to torture their fellow subjects as those of Ireland had done. Gentlemen would do well to remember the history of this country, and to call to mind that the same acts as those now proposed had led to the death of one of the Stuarts, and to the expulsion of the other from the kingdom. Having said thus much, he should conclude by entering his protest against the measure.

The *Solicitor General* (Mr. Perceval) said, that the species of argument resorted to by the other side of the House was singular. The House was entertained with arguments and long speeches, to prove, what every one knew, that wars were attended with calamity and distress. The odium of war was, according to the fashion of modern patriotism, not to be attributed to the enemy, but to the government of this country. So it was with regard to Ireland. The enormities practised during the rebellion were to be considered as nothing more than the fair exertions of an oppressed people; and those who so laudably exerted themselves to suppress the rebellion, as so many persons leagued in blood against the people; and the efforts they had displayed for the salvation of the country were either passed by entirely, or only noticed to be misrepresented as so many acts of violence. Whether there was something obnoxious in the present or former government, or in government altogether, that made gentle-

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men oppose it, or whether, from an enthusiastic love of liberty, they disliked every thing that operated as a restraint; so it was, that whenever the government were attacked by a foreign foe, the government was wrong; or, if it were attacked by a domestic foe, such foe was right. He did not mean to insinuate, that gentlemen in the House had been actuated by the same views as those out of it; but certainly the opinions given in the House had been productive of considerable mischief. If the question then was, on whom the odium of the measures should attach, he should maintain that there were two descriptions of persons; first, those out of doors, who had meditated the most desperate plan against the existence of the country; and next, those who, though not embarked with them, yet, by the opinions they maintained in this House, induced a belief in the minds of those out of doors, that the system they pursued met with encouragement. Thus, when the wild theories, founded on the rights of man, were first adopted out of doors, the theme became a favourite one in parliament; and when parliamentary reform was resorted to as the cloak for revolution, the idea of parliamentary reform was taken up in this House. By these means encouragement was given to the principles of the disaffected, and consequently the measures of government were in part attributable to them. A great deal had been said, as if the country in general was branded with sedition, because it was necessary to have recourse to a measure of this kind. No such idea was entertained; the measure was adopted in order to protect the general soundness which pervaded the country, and to mark the line which should prevent that soundness from being corrupted by the few. Were the people insulted by measures necessary for their protection? He believed the people themselves would not think so. Those who were checked and repressed might dislike the law; but the great mass of the country, whose property and whose persons would be placed in security by it, would not feel themselves insulted. Did honest men ever feel themselves insulted by a law against housebreakers? As to the committee, he was persuaded the House would feel that it was entitled to their confidence. He was persuaded the House would think the committee had so acted as to deserve confidence. The House was only resorting to a measure that had been tried for some years, and had been exercised with the greatest moderation.

Mr. *Grey* said, he was certainly one of those who had uniformly deprecated the measures that had produced the present contest. In reviewing his conduct, he thanked God it had not fallen to his lot to give a vote of approbation of any of those measures which had originally provoked it, and afterwards prevented its termination. He stood arraigned for having proposed parliamentary reform at a time when it was a cloak for revolutionary principles. He had thought that the best way to avoid the evils with which the country was threatened was, to endeavour to restore the constitution to its purity. He had proposed parliamentary reform, not upon abstract principles, but upon grounds of necessity. The hon. and learned gentleman had expressed his satisfaction at the policy which had been acted upon by the late ministers, and was to be pursued by the present. The measures founded on that policy he had stated, not as measures of destruction, but for the protection of the constitution. He wished gentlemen to consider what they had lost in the present contest with regard to their personal security, and to look to the dangers that threatened the country, and then declare whether the system acted upon had been adequate to the end proposed? He considered that the means proposed for the protection of the constitution were the grossest violation of it. He did not deny that it might, in certain cases, be expedient to vest in the executive, a greater degree of power than by law it was entitled to. The only question was, whether the country was at present in that state? It was asserted by the committee, that there existed a dangerous conspiracy; but to prove this the House was referred to former conspiracies, out of which the present one was stated to have originated. If so, he must go back two years. When he referred to the report of the committee in 1799, he found that it described the conspiracy then supposed to exist as a dangerous one. What was the history of that conspiracy? Was there a single person brought to trial? Had there been an attempt, by legal proof, to bring any one person to condemnation and punishment for having been concerned in that conspiracy? Not above twenty or thirty persons had been detained. What was the description of those who were detained? Were they of any weight in the country?

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On the contrary, with the exception of two persons, they were taken from the very lowest situations in life. What must be the nature of a conspiracy that had nothing to depend upon but the exertions of about twenty persons, who were at last liberated upon the expiration of the Suspension act, without having been brought to trial? When he was told that this was only a continuation of the same plot, he could not think that a case had been made out which warranted the surrender of their liberties. But the learned gentleman had not attempted to prove that there existed generally any spirit of disaffection in the country. He was glad to find him so ready to do justice to them. Perhaps at no period of the history of the country had the people shown such subordination to government. Then he would ask, if it was making them a proper return, because there might be a few whom the law could easily bring to condemnation, at once to pass a bill which would have the effect of exposing the innocent with the guilty to the personal resentment, and their liberties to the absolute mercy of his majesty's ministers? Revolutions were produced less by the exertions of those who opposed government than by government itself. If any one axiom was more fully proved than another, it was this, that the fault must be on the side of government, and that it was owing to ill government that the spirit of complaint and opposition was produced. The Suspension bill had been suffered to expire; yet since its expiration, the people had exhibited unexampled proofs of patience. At the beginning of the session, his majesty acquitted the people of any imputation of disloyalty. What sudden discovery, then, had rendered it necessary to adopt a measure which was not called for at so very recent a period? For the crime of treason, the law was sufficient; and for the lesser offence, of giving cause for suspicion, such a measure as this was unnecessary. If it was necessary, it was proper that the House and the country should be satisfied of that necessity.

Mr. *Martin*, of Galway, said, that the present ministers in suffering the Suspension act to expire, had made an experiment which did honour to their liberality; but that experiment had only served to show the incorrigible obstinacy of the disaffected. Their numbers were not considerable; but they were to be dreaded, from their unceasing activity. The Habeas Corpus act had been suspended not less than fourteen times since the revolution, and at no time was it called for by a necessity so imperious as the present.

Mr. *Sheridan* said, the question was simply whether there did exist any necessity to justify the measure before the House; and if there did, he would ask in what possible state of the empire would Englishmen be suffered to enjoy their constitution? The chancellor of the exchequer had set forward in his career by asking for unanimity from the House, to set aside all party prejudices; yet what did he do to deserve it? Did he not follow the footsteps of his predecessors? Did he not tell the House, that to the vigour of Mr. Pitt we owed the preservation of the constitution? When the right hon. gentleman's predecessors were hard pressed, they hatched plots, and found their best ally in a plot bag. It was a strengthening plaister to a weak-backed administration. When three-fourths of the industry of the country subsisted upon charity, discontent must follow; yet their manner of bearing their misery did not deserve the measure before the House: their conduct had been exemplary. The conduct of his majesty's dismissed ministers had brought the country to ruin; and now they acted towards the present ministers on the principle of reciprocity, "claw me, and I'll claw you." The proposed bill gave ministers the power to lodge any man they thought proper in Coldbath-Fields prison. He could but consider the measure as a pretext to make the suspension permanent; because nothing in these times demanded it. Let ministers speak out: let the act be struck at once from the statute book. He saw no mercy in throwing a man into a stone dungeon, without a pretext of guilt even sufficient to put him on his trial. The privileges of Englishmen were gone, if men just released from stone cells were to be again falsely accused and imprisoned. Previous to the late ministers coming into office, the act had not been suspended more than five or six times; and never but in cases of the utmost necessity.

The *Attorney General* (Mr. Law) said, he rose to accept the challenge which had been thrown out by an hon. gentleman, and to declare solemnly, that the constitution of the country would not be safe if the bill which was now moved for were not passed. He felt himself founded in

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making this assertion, in consequence of the evidence which had been laid before the committee; and the impression it made upon him, in common with every other member of the committee, was, that if this bill did not pass, every thing valuable in the laws and constitution would be liable to be overset and convulsed by the machinations of wicked men, availing themselves of an unfortunate scarcity, to foment discontent, and further their own purposes. In supporting a bill for the suspension of the Habeas Corpus act, he was ready to admit that it was a measure of great vigour, and one to which he gave his assent with great reluctance, because there was no man more sensible than he was of the value and importance of that act; an act more important, perhaps, than any other on our statute book. In the present state of affairs, however, his majesty's ministers would, in his opinion, have been guilty of a gross dereliction of their duty, if, knowing the peril of the country, they had not resorted to this measure. The committee appointed to investigate this business were men of high honour and character, and they had with one voice agreed upon the necessity of the measure. He would maintain that it was a most lenient measure; and particularly to those persons against whom it was intended. Was it not lenity to them to prevent treason, which was intended, from being carried into effect? and that was the object of the bill. But there appeared to be a considerable degree of inconsistency in the manner in which gentlemen opposed the bill; for at one moment it was represented as a measure of extraordinary severity, and the next it was said that it was useless, for that ministers had hardly taken up any persons in consequence of the power which was vested in their hands. One ground of argument upon which gentlemen had relied was, that many persons had been taken up, but had not been brought to trial; upon this point he wished to ask, whether it was not important to conceal from the public view those communications which were made to government, and which enabled it to provide for the safety of the state? Every gentleman must feel how essential it was, that the channels through which government received its intelligence should not be publicly known. If the person who made the communications were once produced as a witness, he could not again be useful in that way. It therefore became a question of computation, whether it was better to punish one man, or to keep entire their means of communication? It had been said, that no witnesses had been examined against the persons accused of high treason, but the spies of government; but in return, he wished gentlemen would point out an instance in which the testimony of these witnesses had been falsified. In point of fact, the assertion was not correct; for there were witnesses of another description examined. These witnesses had not only not been contradicted, but their evidence had been most materially confirmed by subsequent events. He begged leave to remind the House, that, if it had not been for subsequent events, "the sainted O'Connor," who had been praised till he was sick of hearing it, would have gone to his grave (whenever he went there) loaded with all the praise which his compurgators had bestowed so liberally upon him. He should therefore give his support to the bill; convinced that ministers would have been guilty of accelerating the ruin of the country, if they had not proposed it.

Mr. *J. Horne Tooke* said, that if there was any thing which could drive him to despair with regard to the fate of the country, it was what he had witnessed that night. When he heard men who filled high legal situations under the crown make solemn appeals to Heaven, and expect to obtain credit for their assertions; when he heard such language and such doctrines come from them as they had advanced, what must he think of the situation of the future subjects of this land, when these learned gentlemen were hereafter to sit as judges on the bench? One learned gentleman had talked about the dangers of assassination, and had asked, whether it would be proper, when such a thing was apprehended, to wait for the common forms of the law. But he would ask if no assassination was ever to be apprehended from his majesty's ministers? There certainly was, and he himself had been assassinated [a laugh]: he stated nothing but what was true, and it was a thing that none should laugh at. He believed what he was then saying would make some impression on the chancellor of the exchequer, whom he loved and admired, and of whom he knew a little at a time when that right hon. gentleman felt that peace and tranquillity of mind which he never would feel again.

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He knew his principles and his heart; and he knew it was his misfortune to have fallen a victim to one of the noblest and best passions that ever animated the human breast. That right hon. gentleman had fallen a victim to his gratitude; and that was the cause of his being placed in the situation he now held. But, as a father and a husband, he ought to feel for those who were fathers and husbands also; and when power was placed in his hands, he ought to take care that it should not be abused in the manner it had been by former ministers. But the power that had been vested in the hands of ministers did not alone proceed from such a bill as the present; almost the whole of the constitution was gone, and therefore more danger was likely to arise from trusting them with the suspension of the Habeas Corpus act. The freedom of the constitution and the safety of the country depended on the separate distribution of the various functions of government among distinct bodies. But now, this distribution was done away, and all the powers, both legislative, judicial, and executive, were united in one hand, namely, in that of the minister of the crown. Nor was this all. The ministers had, to their other powers, added even the functions of jailors, and had subjected men to rigorous confinement without any charge. Several gentlemen had thought proper to laugh when he said he had been assassinated: but he would ask if it was not assassination for a man to be kept for the space of seven months in close custody, and during that time to be deprived of the comforts of conversing with, or even seeing his nearest and dearest friends and relations? It might be said that this privilege was granted to those who had solicited it; but it should have been given without solicitation. It was true, he was the only person among the prisoners confined at that time who was not permitted to see his friends, because he had not asked for such permission. But the prevention was a violation of all liberty, and contrary to the very ends of punishment, by which every thing relating to the punishment was to be done in the most public manner. The custody in which a man was kept should be no more solitary or secret than his execution. He wished to know what our forefathers would say if a criminal, after condemnation had happened to be executed secretly in prison. No such thing could be done by law; much less was there any law to authorize the keeping an innocent man in solitary confinement. Even a man condemned to suffer death wished to die in public. He could speak from his own feelings. He had the courage not to be afraid of injury; though he did not set up for a brave man. He did at one time expect to have been led to a public execution; and at that very time his greatest consolation was, the hope that this execution should take place in public, and that he might have an opportunity of saying to those around him, that death was not so full of terrors as some people might suppose. He would call on gentlemen on the opposite side of the House to give an account to the House and the country why the laws were abused? He also wished the new minister would consider the situation in which the country was left in his hands; he conjured him not to take the power about to be given; and if he did, that he would keep it as short a time as possible. A learned gentleman had said, that the present was nothing more than a temporary measure. It was seven years, however, since the measure had been first introduced; and a measure of that continuance, and which was now to be renewed could not be called temporary, nor was it possible that a treasonable and dangerous conspiracy could last so long as seven years in any country. He was not frantic enough to expect a tenth part of a vote by all he should say; but he hoped he should make some impression on the right hon. gentleman who had taken upon him the management of the country in the state to which it was now reduced, and how long this war was likely to last. He would find the enemy in a situation of being magnanimous and politic at the same time. He would say he was extremely desirous of making peace with this country; that he was ready to abandon those colonial possessions, on the acquisition of which an ex-minister had lately dwelt with so much exultation; but while he appeared to make such sacrifices on the part of France, while he declared that the islands should be no bone of contention, he would say that he had to consult the interest of his allies, and tell this country that she must give up to the Dutch the Cape of Good Hope, and the ships which had been taken from thence.

The bill was read a first time. On the motion that it be read a second time, the House divided:

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Tellers.

Yeas	Mr. Thomas Pelham ... / Mr. Solicitor General ...	189
Noes	Mr. Sheridan ..... / Mr. M. A. Taylor	42

So it was resolved in the affirmative. On the motion "That the said Bill be now read a second time," it was moved to leave out the word "now," and at the end of the question, to add the words "upon Monday morning next." And the question being put, that the word "now," stand part of the question, the House divided:

Tellers.

Yeas	Mr. Abbot ..... / Mr. Baker.....	190
Noes	Mr. Curwen ..... / Mr. Wilberforce Bird ...	34

The bill was then read a second time, committed, reported, read a third time, and passed. The Seditious Meeting Bill was also presented, and read a first time. It was read a second time on the following day, and after a short debate, was passed on the 20th.

Debate in the Lords on the Habeas Corpus Suspension Bill.] April 17. On the order of the day for the second reading of the bill,

The Earl of *Moira* rose to state his objections to the manner in which it was introduced. In a case of such peculiar delicacy in a constitutional point of view, it was always the practice to introduce it by a recommendation from the crown, or a particular report, stating the specific grounds which rendered such a measure necessary. In the former of these cases ministers were responsible; in the latter, every noble lord had the facts before him, and would be enabled to form his judgment on the expediency of the measure; but, in the present mode of proceeding, the House had neither of these advantages. Ministers were not responsible; and the report being general, their lordships were called on to act upon confidence. It was natural for every new administration to wish to strengthen its hands and to possess the confidence of the country. To gain this confidence, it was necessary that the people should be fully convinced of the necessity of these strong measures which it should bring forward. They therefore expected from their lordships, who were their hereditary representatives, that they would not entertain a question which so deeply affected their security, merely upon a general report of a committee.

Lord *Boringdon* contended, that it appeared in the report that the disaffected in this country were carrying on a treasonable correspondence with persons of a similar description in Ireland. This was an answer to the objection, that no fact was stated in the report to justify the measure; which, he contended, was one of mildness and moderation to the disaffected few, and of protection and security to the people at large.

Lord *Hobart* would assert, that the opinion of the committee was formed upon the fullest examination of the evidence before them, and their recommendation to adopt this bill given upon the fullest conviction of its absolute necessity. The urgency which called for this measure would induce him to move the House to pass it immediately through its several stages.

Lord *Holland* contended, that when noble lords were unable to perceive the necessity of resorting to a measure of this nature, they were naturally led to argue that the grounds of its adoption were inadequate and unsatisfactory. On those by whom the measure was proposed, it was incumbent to present to the House a specific case of necessity. He censured ministers for not adhering to the ancient constitutional practice in cases of this kind, and, without any message from the throne, on the general unsubstantiated report of a committee, calling on the House to agree to a bill which involved the suspension of the constitution. The grounds contained in the report were far from satisfying his mind; nor could he consent to renounce the most important support of the liberties of the people, on such general assertions of the existence of a conspiracy as those which it stated. He was anxious to understand to what length so dangerous a doctrine was to be extended. It was the duty of the House to proceed on the idea that the power which it vested in ministers was liable to great abuse. His lordship pointedly alluded to the solitary imprisonments and coercive severities which had been practised under the authority of similar bills, and severely censured the conduct of ministers in resisting the dismissal from office of Aris, the gaoler of Coldbath-fields prison. The same system of coercion had been tried

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in Ireland, and, instead of tranquillity, it had driven the people to open rebellion. The same system here was hourly pushing the country into the most alarming situation. The abandonment of those severe and unconstitutional measures, and the re-establishment of British liberty on its ancient and venerable footing, would do more to tranquillise the popular mind than all the irritating measures that ministers could devise.

The Earl of *Westmorland* vindicated the conduct of the committee which had been appointed, and the report they had made. With regard to the use which ministers had made of the former suspension of this act, he challenged the noble lord to prove that any good and loyal subject had been put into prison in consequence of such suspension. The power with which ministers were entrusted had in no case been abused.

Lord *Grenville* thought, that enough had been stated in the report of the committee, to satisfy their lordships of the expediency of adopting the measure. It had been stated, that a conspiracy of the same nature still existed, which had involved Ireland in such calamities, and which, had it not been for the vigilance of ministers and parliament, would have involved this country in similar distresses. Their lordships committee had stated, that the report of the Commons had been fully proved; and they stated this fact as the result of their own inquiries on the subject. But a degree of proof had been required by noble lords, which was incompatible with the very object of appointing a committee of secrecy. The committee had stated that the same conspiracy existed, and was still pursued in this country, as had plunged Ireland in rebellion. The continuance of this conspiracy constituted a good reason for the continuance of the present measure. The committee had likewise stated, that the design of the conspirators was, to cause a sudden explosion, which was intended to take place in the interval between the expiration of the former bills and the renewal of those now before the House. This of itself afforded a reason, not merely for passing the bill, but for doing so with as little delay as possible.

The bill was then read a second time. After which it went through the remaining stages, and was passed.

Protest against the Habeas Corpus Suspension Bill]. The following Protest was entered on the Journals:

"Dissentient,

1. "Because no sign of disaffection to the constitution of the country has hitherto appeared in the body of the people.

2. "Because the leading argument which has been made use of in favour of the said suspension, namely, that it was to prevent a few disaffected persons from corrupting the mass of the people is nugatory, since the application of the same principle would be equally strong to the preservation of all wholesome restraint of power in the punishment of all other crimes as well as high treason, and would do away the very essence and groundwork of liberty under the law; a few offenders in every branch of crime never being wanting to palliate on those grounds the substitution of discretionary power for law.

3. "Because the constitution unmutilated, is abundantly provided in itself with adequate means for its own protection.

4. "Because the Suspension of the said Habeas Corpus Act is, in fact, levelled against the wants of the people, and not against the efforts of Jacobinism, which have long ceased to be any thing but the derision of all Europe.

5. "Because the suspension of the said act has no pretensions to alleviate the wants, or redress the grievances of the people, but merely to stifle for awhile the complaints they occasion.

6. "Because the suspension of the said act of Habeas Corpus has a natural tendency to infuse into the present existing discontents, a turn of a political nature, to which they are at present a perfect stranger, by cutting off from the subject the privilege of freely communicating his ideas without restraint, and thereby driving him to extremities, which, under a free government, he would have no occasion to resort to.

7. "Because considering the suspension of the said act of Habeas Corpus on the grounds on which it is endeavoured to be justified, it does not appear to be a measure of temporary necessity, called for by local and adventitious circumstances, but rather to form part of a general system of resistance to certain disputed points of morality, which must carry equal weight with them at all times, and in all ages, as long as men continue to receive from the Almighty the same intellectual faculties.

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8. "Because it appears from certain late transactions both in this House and elsewhere, that the undoubted privilege of keeping the proceedings of the legislature secret, is endeavoured to be extended to the seclusion of the body of the nation from knowing in what manner they are governed, and that the suspension of the Habeas Corpus act will give a colour to such a jealous, timid, and self-accusing system.

9. "Because it behoves every member of this House to ascertain by what repeated acts, whether it is really intended to govern Englishmen free born, by principles which it is thought necessary to conceal from them, and that the suspension of the Habeas Corpus act cannot fail to operate on the fears of members of this House, to deter them from carrying this and other laudable undertakings into execution.

10. "Because when the Habeas Corpus act was last suspended, the powers that were thereby vested were most shamefully abused, as appeared by the Report of a Select Committee of the House of Commons formed to inquire into the circumstances.

11. and lastly. "Because, if it is necessary to delegate powers so extensive as those which are admitted by the suspension of the Habeas Corpus act, the last persons who ought to receive them are the ministers of the crown, who have already more power than they know how to make a proper use of.

(Signed) "CAMELFORD."

Report from the Lords' Committee of Secrecy on the State of Ireland, and the Proceedings of certain Disaffected Persons in both Parts of the United Kingdom.] April 27. Lord Loughborough made the following Report from the Lords Committee of Secrecy:

REPORT.

Their lordships having been pleased to refer to this committee the bill for reviving and continuing an act for preventing Seditious Meetings and Assemblies, the committee thought it their duty to proceed immediately on the special matter of that reference, and they must, in the first place, recall their lordships attention to the Report of a committee laid before them on the 27th of May 1799, together with the Report of the committee of the House of Commons referred to in that report for a full explanation of the nature of the Seditious Meetings and Assemblies, which were found to have existed at that period, under various denominations; observing only, that the subsequent information has corroborated every statement in that Report, at the same time, that it has proved to the committee, that by the effect of the measures which parliament had adopted their meetings have been considerably checked, and the spirit which had excited them in a great degree repressed.

When it became known to some of the most stirring members of the society, which, under the name of the London Corresponding Society, is so particularly described in the former Report, that the act for preventing seditious meetings had expired, they drew together at first in small parties with a degree of caution, changing frequently their place of meeting, and omitting their accustomed forms, being still apprehensive, as they expressed themselves, of the act, which had not then expired, for the suspension of the Habeas Corpus act. In this condition various plans were formed in different meetings for resuming and carrying on with more security their former practices. Among other devices, one was proposed and adopted by a considerable number, to assume the name and appearance of a Benefit Society.

Those who were thus to take the name of a Benefit Society had no other purpose but to mask under the name a Political Society, formed for purposes the most flagitious; for it was expressly declared, that no fund, raised by regular contribution, should form the stock of this society; no persons admitted members but those of democratic sentiments, who were to receive copies of the rules of a Benefit Society, not that they should be observed, but that they might deceive the magistrates, in case any of the meetings should be suspected; converting thereby, in fraud of the law, an excellent establishment for the relief of the sober and industrious poor, into an instrument for the destruction of sobriety and industry. Many members of the former Corresponding Society and their friends were in this manner engaged.

Others appear to have been at the same time concerting a deeper design of a Secret Society, which after it had attained a proper maturity, was announced to the Benefit Society that had been established about three weeks, and became numerous, by two persons in the character of delegates from a Society of Emancipation, and desiring to know whether the pretended Benefit Society would connect itself with their Society. The proposal was favourably received, and a future meeting appointed, at which they should be furnished with the instructions of the plan of that society. At that meeting the instructions produced in writing were to this effect:—The members to be admitted by a test, or declaration on oath, to be sworn on the Bible, when it can be produced; but it is observed, that since Paine's Age of Reason, it is looked

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on as a mark of incivism to keep a Bible. The persons entrusted to swear others, or, in the phrase of the society, to initiate them, are termed Conductors. They received a written appointment, with a printed instruction, and printed declaration [copies of each of these are annexed to this Report]; ten initiated are allotted to each conductor, who is to make a report of them, at stated times, to another officer called a Superintendant, appointed over every ten conductors. To each superintendant a Messenger is assigned, by whom he is to communicate with the executive, the names and number of which are only to be known by themselves, or perhaps to the messengers; but they are supposed to be persons of superior consequence. Signs are instituted, by which the members may know each other; but it does not distinctly appear whether all the initiated, or only the conductors, are entrusted with the knowledge of the signs.

The plan thus explained was fully approved, and the Benefit Society agreed to form one indivisible Society, under the name of United Britons. This association appears to have taken place about the middle of the month of March last. Of the practice and habits of this association the committee has received more precise information. In their general meetings they are somewhat reserved on the subject of religion, for fear of frightening away persons who have some respect for religion (which has happily been the case, and has contributed to the detecting of their schemes). But it appears to your committee that a very principal object of their leaders has been to use every means in their power to work upon all persons whose religious opinions differ from those of the establishment: for which purpose the General Executive has recommended it in the strongest manner to their followers, to mix as much as possible with such persons, and, by concealing their own sentiments, which are adverse to all religion, and seemingly adopting those of the persons with whom they should communicate, to gain proselytes to their political designs, and thus to promote the execution of their mischievous and determined purpose of overthrowing the constitution. In the confidential meetings of the initiated, however, they endeavour to turn the people against religion, in order to overthrow the state through the church; observing, that if there were no priests there would be no king. Among the most frequent subjects treated in these confidential meetings of the initiated, plans of insurrection to be excited on the pretext of the high price of provisions, but directed to the subversion of government, have been discussed, and the means traced out for procuring arms of the most dangerous species. The members are instructed to frequent clubs where workmen and soldiers resort, to appear there unconnected, and to hold opposite sides in the questions they are instructed to raise. Their purposes are of a more sanguinary complexion than the ordinary mischiefs of a mob; for your committee has had particular information of the time and place, and of some persons attending the meeting within a very recent period, when a plan of assassinating certain members of parliament at their own houses, formed with no inconsiderable degree of contrivance, was proposed, and seemed to meet with the general acquiescence of all the company that it would be meritorious.

It has also appeared to your Committee, that societies of a similar formation with this, since the period when it became generally known that the act for preventing Seditious Meetings had expired, have been formed in various parts of the country, and, after the expiration of the act for suspending the Habeas Corpus act, assumed a bold and daring aspect; besides these places, where the operations of such societies have only been known to the vigilant attention of the magistrates, and kept down by their prudence and firmness, a very dangerous conspiracy of a similar nature had manifested itself in some parts of the country, which, from all its forms and habits, affords the strongest presumption of a mutual intercourse between those conspirators and the United Britons: the only apparent difference being, that the meeting in the country, being chiefly connected with manufacturers, is obliged to assume a more apparent concern for their interest in regard to the dearness of living, and ostensibly aims at the reduction of the price of provisions, or the increase of the price of labour; whereas the Society of United Britons in London does not hesitate to profess their wish to frustrate every plan for the relief of the poor, the high price of provisions being most favourable to their object of exciting insurrection.

The committee has further to observe, that, by most certain intelligence, it appears that there still exist in the dominions of the king's enemies, at least two established committees of traitors to the United Kingdom of Great Britain and Ireland, actively employed in carrying on correspondence, by their agents, with the leaders of the societies, and abetting them in the most atrocious circumstances of the crimes they are meditating, and encouraging them by holding out hopes of invasion.

The committee has also had great reason to believe, that many of the United Irish, who, either by the lenity of the government of that country, or by their own apprehension of its just severity, have taken refuge here, have, by all the means they had been used to practise, stimulated and inflamed the minds of the members of these meetings to a higher pitch of extravagance, and rendered it more necessary to subject them to that control, which, in its former exercise, was as useful to themselves as it was salutary to the state; for it is remarkable that no act of re-

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striction could be more truly preventive of evil than the statute in question has proved to be, there having seldom occurred an occasion for enforcing the act during its continuance. It is therefore the unanimous and decided opinion of your Committee, that the bill now referred to their consideration ought to pass into a law.

Appointment of a Conductor.

Fellow Citizen:—The Ex appoints you as a Conductor. They expect you will faithfully discharge your duty, agreeable to the instructions you receive. Health and respect.

March 14, 1801. A. M. Z.

Duty of Conductors.

There shall be in each department a number of officers, to be called Conductors, who shall receive their orders, sealed, from an officer entitled a superintendant. Each conductor is required to call on members to the number of ten, to convey to them the orders of the Executive, to receive from them whatever sums of money they may choose to contribute towards defraying the public expense; as also the name and place of abode, sealed, of all persons entered as members, or any other communications they may wish to transmit to the Executive; all of which he shall faithfully deliver to the superintendant. Each member is required to exert himself, to the utmost of his power, to unite his friends in the bonds of brotherhood and affection, which shall be done as follows:—On his becoming acquainted with any person of good character, who has manifested a firm attachment to the cause of justice and humanity, desirous of being a member, he shall present the declaration for his voluntary acceptance, his name shall then be returned to the conductor who lives most contiguous to him, who shall faithfully transmit to the superintendant his report to commence every second Monday.

Declaration.

In the awful presence of Almighty God, I, A. B. do voluntarily declare, that I will endeavour, to the utmost of my power, to obtain the object of this union; namely, to recover those rights which the Supreme Being, in his infinite bounty, hath given to all men: and that neither hopes nor fears, rewards nor punishments, shall ever induce me to inform on or give evidence, directly or indirectly, concerning the business of this or of any similar society. So help me God!

Second Report from the Commons' Committee of Secrecy on the State of Ireland, and the proceedings of certain Disaffected Persons in both parts of the United Kingdom.] May 15. Mr. Thomas Pelham reported from the Committee of Secrecy, that the committee had made a further progress in the matters to them referred, and had directed him to make a report thereof to the House; and he read the report in his place, as follows:

SECOND REPORT.

The Committee of Secrecy, to whom the several papers, which were presented (sealed up) to the House, by Mr. Chancellor of the Exchequer, upon the first and second days of April last, by his majesty's command, were referred; and who were directed to examine the matters thereof, and report the same, as they shall appear to them to the House:

Have proceeded further in their examination of the papers referred to them, and in the investigation and consideration of other and more recent means of information, which have been furnished since the period of their first report. Part of these arising from the oral testimony of persons well acquainted with the state of Ireland, and particularly with the execution of the powers confided in the lord lieutenant by the several acts for the suppression of the rebellion in that part of the united kingdom, and who but lately arrived in England, it would have been impossible for your committee to avail themselves of it, if they had not delayed longer than would otherwise have been necessary, the report which they now submit to the consideration of the House.

The information which, through various channels has reached your committee, has developed the views and conduct of the disaffected in all parts of the United Kingdom, as well as on the continent, since the period when the report was made from the committee of secrecy in 1799. Most of the sources of intelligence, both on that occasion and the present, are obviously of a nature which, from every consideration of good faith, humanity, and policy, it would be highly improper to particularize to the House: your committee have not, however, neglected to examine into the degree of credit to which each of them was fairly entitled: they have inquired into the general consistency of the accounts themselves; the confirmation received from collateral sources, from the precise coincidence of material facts with the information and notice which had been previously given; from existing and unquestionable documents, corresponding with antecedent verbal accounts; and from the confessions of the actors themselves; and have seen how far all these have been combined through a period of several years in the communication of any individual. This examination has impressed them with full confidence in the accuracy of the information received; and what is now submitted to the House is the result of the unanimous opinion of your com-

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mittee as to the truth of the facts themselves, as well as the consequences which have been deduced from them.

It was not to be expected that persons who had deeply imbibed the principles of the French Revolution; who were inflamed with the most sanguinary animosity against all the existing establishments of church and state; that such of them, particularly of the lower orders of society, whose hopes were instigated by the prospect of the plunder of the rich, and the partition of the landed property of the country, and who had been taught to abjure all the restraints which divine or human laws have imposed on the passions of men; should be indeed, by any change of circumstances, or legal coercion, suddenly to abandon those principles, and to return to the duties of loyal and peaceable subjects; It accordingly appears manifest, that, though the exertions of the disaffected in this country were suppressed by the vigilance of government acting under the powers entrusted to them by parliament, and by the fear of detection and immediate apprehension, yet their disposition remained unaltered; that from the month of May 1799, notwithstanding the detention of several of the most active members of the late Corresponding Society, others have continued occasionally to meet, without any form of regular association, and studiously avoiding any constant place of assembling, or written memorial of their transactions.—A principal object at first was the collection of money for the relief of the persons confined under charges of treasonable and seditious practices, with whom they seem constantly to have preserved their former connexion.—On the 5th of November 1799, when they began to derive fresh encouragement from the unfavourable events on the continent, and the evacuation of Holland by the British troops, a party of them assembled to celebrate the anniversary of Hardy's acquittal, on which occasion they appear first to have ventured on a more open avowal of their opinions, and to have indulged in the most treasonable and seditious toasts and songs. As yet, however, the mischief went no farther; and, indeed, during all this period, till late in the last year, they seem to have despaired of any immediate success in their projects, for which some of them supposed no favourable opportunity would occur till the restoration of peace should, as they hoped, have at once removed the legal restraints which now impeded their operations, and brought home such an addition of unemployed hands as would increase the existing scarcity, and add to the prevailing discontents. —They felt themselves, and lamented, the effect of the powers entrusted to government by the act for suspending the Habeas Corpus act: their former leaders were dispersed and secluded, and they apprehended for themselves a similar fate. Particular events, however, of the nature before alluded to, had at different times given some encouragement to their views, and diminished their apprehensions: the successes of the enemy in the last campaign, the disappointments of our allies, still more of any enterprise in which this country was more particularly concerned, or any danger which threatened the life or health of their sovereign, were, as they occurred, a constant source of satisfaction, and of renewed hope and expectation. The health of the chief consul of France, the success of his arms, when opposed to those of their country; the progress of the rupture with the Northern powers, as a means of impoverishing our merchants, and creating distress and discontent among the manufacturers, were among the first wishes that marked the complexion of their convivial meetings, or expressed the malignity of their private reflections. The dearth of provisions early in the last year opened a new field for similar speculations, and the return of it after the last harvest increased the inducements and the hope of converting it to their views; of this, as well as of other public calamities, they were disposed to avail themselves in a way that marks sufficiently the character of those principles which lead the revolutionary enthusiast to overlook, or make him seek to augment the miseries, however extended, of individuals, in the hope of deriving from them the means of subverting existing establishments. They affected, indeed openly, much feeling for the sufferings of the people, and fomented their complaints against the supposed authors of them; but in private they expressed their satisfaction at the continuance of the distress, and were only apprehensive that the cause of the complaint might cease by a return of plenty; they hoped particularly that the scarcity would press hard upon the soldiery, and produce discontent and insubordination; and the better to serve their cause, they did not scruple to hold out the most unwarranted hopes of success in their extensive plans of meditated seduction. They disapproved, indeed, of the disposition to riot which appeared in some places, on account of the scarcity, in the month of September last, as leading to partial and premature insurrection, not sufficiently connected with their own more large and revolutionary views; but they thought a period somewhat later more favourable to their designs, which might be better advanced by a different line of conduct. Under this impression, they promoted a meeting of a most dangerous nature to be held at Kennington Common on the 9th of November, by a public advertisement, which was stated to government at the time to be issued under their direction: this fact has since been confirmed by a positive deposition upon oath, and by concurrent testimony which has been obtained in consequence of some of the late apprehensions; from all which it also appears that several of the persons above referred to attended, and that the state of the weather alone prevented their being present in greater

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numbers; other meetings were concerted in different parts of the metropolis or its vicinity, with a view to distract the attention of magistrates, and harass the operations of the military. The first of these, however, failed, in consequence of the information previously afforded to the officers of government, and the presence of magistrates; and the others were prevented by the apprehension or detection, from the reward offered for the conviction of the persons concerned in convening the first. Similar plans were still in agitation in the following month, when a seditious and treasonable hand-bill, in the form of a proclamation, was prepared and circulated by a person lately a leading member of the disaffected societies, and who your Committee have reason to believe was principally concerned in convening the meeting on Kennington Common, a copy of which is annexed to this report.

While such were the views and transactions of the disaffected in England, many of the United Irish, who had either been driven from, or voluntarily quitted their own country, and resorted to London, seem to have resumed their former designs, and to have prepared similar means of carrying them into effect. They certainly boasted of having set on foot the fabrication of those weapons here, which they had used in the disastrous rebellion of their own country; and several pikes, though probably not to the number which they were desirous their friends should believe, appear certainly to have been made in different parts of the metropolis and its vicinity, and shown on different occasions among parties of the disaffected; some of those actually engaged in that rebellion undertook to teach the use of them; and contracts were actually in agitation with manufacturers, described to your Committee, for furnishing the members of the British Union with daggers at a reasonable price. No specific place was appointed for the meetings which were held between these different descriptions of persons, but sufficient intimation was constantly given to those concerned, where they might on most occasions meet the associates of their criminal designs.

It was not, however, till the commencement of the present year, that a settled or combined plan of operations seems to have been carried on by any of the persons above referred to. The act for preventing Seditious Meetings appears to have expired before they were generally aware of the circumstance; but the knowledge of it, as soon as circulated amongst them, inspired fresh hopes, and prepared them for less concealed operations, though for a time they were checked by the apprehension which they expressed from the continuance of the law suspending the Habeas Corpus act: the terror of this prevented their calling general meetings, as had been at first suggested; and it was not till both should be removed that they intended to execute the plan which they had concerted for renewing, in a more dangerous shape, their secret combinations.

These points gained, a new association began to be formed; the members of which were bound to each other by an oath, and distinguished by a sign known only to the initiated.

In the formation of this new society, ten men were to have the management of the whole business, under the title of Executives, who alone held meetings for these purposes; these communicated, by means of a superintendant, with ten others in each district, called Conductors, each of whom was to have ten men under him, known only to himself; their duty was, to swear in fresh members, to transmit a list of their names and places of abode to the Executives, and such money as was collected for the use of the society, to the treasurer. The advantages proposed from this arrangement were—secrecy, from the small number of the Executives, and celerity in calling large meetings together, through the intervention of the subordinate gradation of members, and thus precluding any discovery from their associates, by calling them all suddenly into action, and having them immediately under the eye of the principal leaders. A printed address, tending to incite the people to insurrection, was circulated by some of these conductors, whose duty was prescribed in the same paper, together with the oath above-mentioned, which is inserted in the Appendix, as also another form of the orders given to the Conductors.

The discoveries which had been made of similar designs, by the seizure of papers at fixed places of meeting, induced them to adopt measures to defeat in future such means of detection: clubs were formed under the disguise of benefit societies, and in their own it was determined to commit as little as possible to writing, to adjourn their meetings to different places, and, according to the plan abovementioned, to entrust the management of their designs to a very select body, requiring the assistance of few confidential officers, whose duties might be thus shortly explained to them, without confiding to the mass of their associates the actual plans and practices, or even the names of the principal directors. This was the more easy, as they no longer affected the disguise of aiming only at the reform of alleged abuses in the constitution or government, which might require long and elaborate dissertations to explain and enforce. These men wished for no converts but those who, from some motive or other, were ready to attempt by force the direct subversion of the government and constitution of their country. They saw in Ireland the example of such a rebellion as they wished to promote here, and they hoped to find in the temporary distresses of the poorer orders, a motive for engaging in such desperate attempts. By the commission of what crimes their objects were

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to be effected, seems to have been a matter of small concern to many of them; private and individual assassination unquestionably was among the measures proposed at several meetings, as fit to precede or accompany the general rising: and though your Committee are willing to believe that no great progress has been made in preparing for the execution of such atrocious projects, yet it has been distinctly proved on oath, that the idea has been frequently thrown out and discussed, with the deliberate purpose of familiarizing it to the minds of the hearers, or preparing them for its adoption, if it should be thought necessary.

Near the same time, principles of a similar nature were studiously promulgated in a society of another description, and disguised by pretexts of a different nature. It was proposed to meet in convivial parties, as described by themselves, "after a free and easy manner, and, without encumbering themselves with rules, to converse on the subject recommended to them, to provoke investigation, and answer objections." The topics they proposed for discussion, and recommended for adoption, were stated to be contained in a pamphlet published by one Spence, from whom that society had assumed the title of Spensonians. This recommendation, as well as several extracts from the work itself, will be found in the Appendix, from which it will appear that the principal object of the writer is to recommend the complete extermination of royalty, nobility, and property, for the purpose of an equal parochial division of the profits of lands, as the basis of a "beautiful and powerful new republic." That this was to be effected by a general insurrection of the people, for which the revolutionary outrages in France, and the mutiny in our own fleet, were held out as laudable examples.

The act for suspending the Habeas Corpus act having now expired, all the persons detained under the sanction of it, who choose to enter into recognizances for their future good behaviour, were discharged. This was an occasion of too much exultation to the new conspirators to be passed over without some mark of distinction. A supper was accordingly given in honour of those thus liberated, and at which near twenty of them attended. The temper and objects of those who composed this meeting, which was solely of a convivial nature, can only be collected from accounts of the public conversation of the company, and the sentiments conveyed in the toasts and songs with which they were entertained—the latter have been particularly described to your Committee, and were all of the most treasonable and seditious nature; and one of their toasts was, "The health of the Chief Consul of France." The discourse held was suited to these incentives—plans of insurrection were openly avowed, and professed to be directed in the first instance against the lives of the chief officers of government, and to the destruction of the House of Correction in Cold-bath-fields. Some of those recently discharged avowed their determination to persist in the same designs, and expressed their confidence in the number of their associates, whom they reproached for not having sooner effected their release by force.

This meeting seems to have occasioned a more confident opinion of their strength, and of the success of their schemes of seduction. They boasted of the extension of their society over different and remote districts of the metropolis. They were not, however, insensible to the proceedings of parliament on the subject of the Martial Law bill in Ireland, which they were apprehensive might be applied to the suppression of their enterprises here, or, if not, at least that the suspension of the Habeas Corpus act would be renewed, and effectually operate to counteract their designs. Under this impression, a particular degree of caution was recommended by the Executives, as to the persons to whom the oath should be administered. They suspected they were observed, and were afraid of being apprehended before their plan was ripe for execution, which they admitted it would not be till they were provided with arms sufficient for their purpose. The same apprehension operated differently on some of the most ardent spirits of the confederacy, who were still more sanguine as to the numbers who would join them, and who were desirous of striking the blow before measures could be taken for their suppression, and who thought they might supply the want of which they complained, by a desperate attack on several repositories of arms, which would at once deprive the military of the means of resistance, and furnish themselves with weapons for attack;—others, not admitted to the secrets of the Executives, accused them of tardiness in their operations, and were impatient to be called into action. The more cautious councils, however, prevailed, which were, perhaps, promoted by mutual suspicion, and by the reluctance of some, when it came near the point, to engage in outrages of such atrocity.

In the mean time other meetings, chiefly of a convivial nature, but adapted to the advancement of the same objects, continued to be held in various parts of the town, for the express purpose (as avowed by one of their associates), of bringing together the old members of the British Union, and of encouraging them to persevere, by the presence of their former leaders, now again at large; who on their part agreed to use every effort to reorganize that society, and some of whom, in furtherance of that plan, appeared at meetings in one district of the town, as plenipotentiaries from the other. The character of one of the society before-mentioned, under the name of "Spensonians," is sufficiently marked by toasts which were given and received with applause, and which on that ac-

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count your Committee have inserted in their Appendix. On another occasion, some of the more immediate leaders of the new association met with some of the persons then lately liberated, and one of the most active of the latter description gave, under the name of "The tremendous Toast," "May the last of Kings be strangled in the bowels of the last of Priests!"

At one of the most recent meetings a supper was given, at the expense of some unknown patron, to celebrate again the release of the champions of their cause; when they were still entertained with the most seditious songs and toasts, sufficiently descriptive of their attachment to our foreign enemy, and abhorrence of the form of our own constitution; such as, "Buonaparté, and Success to the Army of Egypt!"—"The Guillotine, a Cure for the King's Evil!"

The assiduity with which these persons attempt to enlist in their cause every class of interested or visionary reformers is apparent, not only in the encouragement given to the Spensonian doctrines of Partition of Property, which yet they treat as chimerical and absurd, but also in the propagation of religious tenets, which have obtained some footing, and which lead (as among the enthusiasts in the reign of Charles the First), to the abrogation of all restraint from temporal authority. The doctrine of an approaching Millenium has found many converts, and is glanced at in some of the publications already noticed. The leaders of the new association, many of them secretly professing an utter disbelief in the Christian religion, and even considering it as a mark of incivism to be possessed of a Bible, but readily embracing any means of effecting the subversion of all religious establishment as a step towards the destruction of regal government, willingly lend themselves to this delusion, and direct their agents never to advance their own opinions in opposition to it, but to reserve them for the more confidential intercourse of the deeply initiated, and even to be provided with arguments on both sides of the question, in order to promote discussion in places of public resort, and draw attention to their own doctrines.

On the 19th of April last, several of the persons above referred to as principals of the new society, were apprehended under a warrant from the duke of Portland, while holding one of their meetings.—The only papers discovered were another printed copy of the paper already referred to, and which had been previously transmitted to your Committee, and an address signed Hibernicus, directed to "Britons and Fellow Citizens," inserted in the Appendix.

Your Committee have thus detailed the proceedings of the disaffected carried on in the metropolis, and as directed principally to its disturbance; but they would afford a very inadequate representation of the extent of the confederacy, if, in proceeding to advert to the state of other parts of the country, and even of Ireland, they omitted to notice the concert which in some measure pervades the whole, and the striking coincidence of views, and the means of obtaining them. While the disaffected in London confined themselves in the course of the last autumn to loose though violent expressions of discontent, and endeavoured to evade discovery by avoiding any written evidence of their transactions, or any certain place of meeting, the same precaution was adopted by those of similar principles at Nottingham; accompanied by similar declarations of hopes arising from the dearness of provisions, and wishes for the aggravation rather than the alleviation of that calamity; and when early in the present year a systematic plan was first observed here, it first began to be rumoured among the disaffected there.

At the same period, seditious emissaries were first detected endeavouring to excite insurrection among the manufacturers of different parts of Lancashire. This was to be done by associating as many as possible under the sanction of an oath nearly similar to that adopted in London, and which, with an account of the secret sign which accompanied it, has been transmitted from various quarters to government, and laid before your Committee. Dangerous meetings were disguised, as in London, under the appearance of friendly societies for the relief of sick members: the persuasion of a general revolution shortly to take place, and consequently the inefficacy of all resistance, was studiously diffused throughout the country, with a view both to excite the disaffected, and to dishearten and disunite the loyal. On the same account, the numbers of those engaged in the confederacy were exaggerated, and stated sometimes as amounting to 60,000 trained to military exercise, at others, including Ireland, to no less than 1,500,000. The disposition of the people in the part of the country alluded to, being previously untainted to any extent with seditious principles, it was necessary to found the hopes of insurrection chiefly on the pressure arising from the scarcity of provisions. It was this feeling, fomented for other purposes by more artful instigators, that probably led those who took the oath in question to engage in those schemes of insurrection. The seditious emissaries well knew, that if they could promote a general rising of a large proportion of the inhabitants of a populous district under any pretext, it would be easy to draw them on, under more desperate leaders, to attempt the subversion of every establishment of the constitution within their reach, especially if aided by similar explosions at the same time in different parts of the country, and the alarm, or actual existence, of foreign invasion. Though this was the pretext of discontent, they themselves felt so little for the distresses which they

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affected to relieve, that they concurred with their associates in other places already adverted to, in the wish for the aggravation of them, as a more powerful means of exciting popular tumult. The principal of these emissaries are represented as delegated from London, York, Birmingham, Bristol, Sheffield, and other considerable towns, as well as from Ireland, who conducted in private the detail of the conspiracy, connected with other provincial meetings, and all these with one in the metropolis, from whence printed rules for their conduct were expected to be received; and they seem to have entertained the same desperate projects of attacking the magistrates, and seizing the arms of the loyal associations, as were proposed in London against the government and military force here; and they frequently professed themselves to be provided with arms, and even uniform clothing, to a considerable extent. At a late period, the business of these societies appears to have been conducted with peculiar caution, by orders issued from the head of the district to two confidential persons, who associate two others of different classes, and having assembled in the most private manner, issue their orders in form of a ticket, to any number whom they think proper to depute on a particular service.

Your Committee have reason to believe, not merely from the probability of such a connexion, arising from a similarity of measures adopted, and the notions entertained on the spot; but from the opinion expressed by one well acquainted with the progress of the conspiracy, that the executives in London were in correspondence with, and probably directed the operations of the emissaries in the country.

As the revolutionists in London were willing to inlist under their banners, the religious extravagances of the day, those in the country availed themselves of similar prejudices. A society appears to have been formed in part of Yorkshire, under the title of New Jerusalemites, whose leaders have inspired them with a belief in the pretended prophecies of Brothers, and who look under his guidance for the speedy commencement of the Millennium.—The views of these people seem totally unconnected with any political object, though their tenets, leading to an independence on any earthly government, and an expectation of the subversion of the existing order of things, would naturally make them indifferent spectators at least, if not active instruments of any attempt to accomplish that end.—The profane perversion of Scriptural Prophecy, attributed to them, and which is noticed in the Appendix, sufficiently marks the practical danger of such enthusiasts, and the use which might be made of them in furtherance of any revolutionary schemes. Whatever, therefore, might be the objects of the first authors of this sect, the scriptural allusion was adopted by the seditious emissaries above referred to, and read over to the person who was to take the oath, before it was administered.

The oath above described was certainly administered to very large numbers, and the extension of it promoted both by offers of money and of military rank in the projected rebellion, to those whose exertions should induce the greatest number to engage in it. This last temptation was particularly addressed to the soldiery, both of the regular and volunteer corps; to whom a set of queries was also delivered, a copy of which is inserted in the Appendix.

The particulars of these attempts have been divulged by those on whom they were made, attested in legal depositions, and one of them has lately been the subject of a trial at Lancaster, in which the fact appears to have been fully proved; but it having been inadvertently stated in the indictment, that the oath was administered in an unlawful assembly, instead of privately (as was the fact), by a single individual, the prosecution was thus for the time defeated. On the apprehension of one of the parties concerned, it seems to have been a point for consideration with his associates, as it had been on similar occasions in the metropolis, whether they should not seize that moment for a general rising, rather than wait, with the apprehension of intermediate detection, till they were better prepared in other respects. Though this was not adopted, they announced from time to time a certain period for the insurrection, which was represented as connected with one in Scotland and another in Ireland, all to take place on the same day, and which was at last appointed for the termination of seed-time. Two very numerous popular meetings were meanwhile held in a part of Lancashire early in April, apparently calculated to forward these designs; at one of which a considerable number of persons were observed practising military exercises; but the principal object previous to the general explosion, if not intended as a part of it, was, to convene a general meeting of districts in a central part of the island, and particularly of the populous and manufacturing parts of the counties of York, Lancaster, Chester and Derby, near which it was represented that a kind of congress of delegates, from six districts into which the kingdom was divided, had for some time been occasionally sitting. The latest accounts from that part of the country announce, that this assembly has actually been held, at which many thousands from different parts of the country were collected; but the act for preventing seditious meetings having then passed, the assembly was at length dispersed by the intervention of the magistrates, supported by a military force.

Your Committee have abstained from drawing the attention of the House to any unpremeditated tumults which have unfor-

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tunately prevailed in different parts of the country, and particularly in the West of England, on account of the dearness of provisions; conceiving that, although these may in their progress have been encouraged by the disaffected, and may have assumed an order and concert in their proceedings, from the example of secret confederacy, recently practised in both parts of the united kingdom, (which seems evidently to have formed a part of an extensive, digested, and methodized system), they were originally unconnected with the designs traced in this Report.

The enterprizes and connections of the new society in the metropolis, were not, however, confined to foment the discontents, or encourage the hopes of the disaffected in our own country: they certainly were disposed, if occasion offered, to avail themselves of any assistance that could be derived from the invasion of a foreign enemy, whose aid was solicited by some of their emissaries, both for this country and Ireland, and to whom they held out the hopes of a formidable co-operation from internal insurrection. Towards the end of last year, when, as has been already stated, the hopes of the seditious in England began to revive, it appears that representations were transmitted abroad of the progress of similar discontents in Scotland, by the agents concerned in fomenting them, and that they were described as connected with expected support from the North of England, and particularly with insurrections in London, the plan of which was described "as perfectly organized." On the other hand, hopes were held forth of a projected invasion from Holland on the coasts of England or Scotland, to co-operate with a general insurrection or "explosion," as it was called, to take place at the same moment both in England and Ireland. Early in the present year, when the plan in question is stated as having arrived at maturity in London, an agent from thence appears to have avowed the object of it, without reserve, on the continent; to have boasted of the progress it had made amongst the suburbs of the metropolis; to have explained the support to be expected from foreign invasion, the design of the insurrection breaking out at the same time in the principal towns of the country, and of the intention of directing the first attack against the government and magistrates of the country; and to have communicated these designs, and the means of availing themselves of them, to the government of the foreign enemy.

Your Committee have next directed their attention to the present situation of Ireland; both as disturbed within and threatened from without, particularly with reference to the necessity of those measures adopted by the parliament of that country before the Union for the suppression of the rebellion there, which have since been renewed for a limited period by that of the united kingdom; and also of the manner in which the powers thus given have been exercised, and the effect produced by them. It appears, that though the efforts of the disaffected in that country have happily long ceased to assume the aspect of rebellion, arrayed in the field against the arms of their sovereign, and though the organization established by the United Irishmen may not have been kept up with any regularity, and that many parts of the kingdom present the usual appearance of peaceful industry and loyal subordination; yet, that at no time have there been wanting in others, demonstrations of the same systematic plan of insurrection, and marked with the same characters of unexampled atrocity. The principal traitors in Dublin continually send their emissaries through the country, to keep up the spirits of the disaffected, by the hopes of support from foreign invasion. About a year since, a new system of association was about to be established, and a new executive directory formed in Dublin. This was to originate in a head committee, who were to appoint those on whom they could depend to form regiments, of which each colonel was to provide the major and captains, each captain his subalterns, and they the private men. The communications were to be verbal, and the business conducted without elections, debates, or committees. This plot, however, being detected by government, its progress was checked, if not entirely stopped. It affords a remarkable coincidence with the intelligence above detailed, of what has been passing in England, that it appears to have been lately held out to the disaffected in Ireland, that whenever any insurrection shall take place in that country, which it is intended shall be universally on the same day, a similar explosion is to be made in several of the principal towns in England, particularly in London, where they are told the disaffected are acting on the same plans and principles as the United Irish. The manner in which the rebellion was originally organized, the secret springs of the confederacy, which set in motion, and directed to every enormity of private and public outrage, so large a mass of the inhabitants, have long been familiar to the House and to the public. The object of it being to disunite that country from this, by the co-operation of a foreign enemy, it may be imagined that the cause will never appear desperate to those engaged in it, while the continuance of the war still keeps alive the hope of that assistance, encouraged as it may be from time to time by assurances of support from their ally, or at least from those traitors to their country who still form, in the capital of that enemy, a central committee of rebellion, to instigate invasion on the one hand, and prepare insurrection on the other. Their emissaries are continually passing into Ireland for this purpose, where two of them are supposed still to be concealed. The views of

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this committee, and the means by which they are not ashamed to endeavour to accomplish them, will be sufficiently obvious from the address to the Irish sailors in our fleet, which has been printed in their name, and prepared on the continent for extensive circulation. Emissaries on the other hand, have not been wanting from Ireland, to interest the French government in support of their cause; one particularly has lately passed over to the continent, and opened a direct communication with the enemy accrediting himself with them as being deputed by a great body of the landed interest of his country, whom he represents as being, like himself, so dissatisfied with the Union, that they would engage in any concert with France to procure the means of establishing, under the guarantee of that power, some new form of representative government. With this view he affords them all the information in his power, of the state of the country, and of the force employed to protect it; and suggests the amount of that which he recommends to be sent against it. He stipulates, however, with his proposed allies, for the assurance of their property to all the present possessors, in opposition to any claim of the Catholics, whom he states still to look forward with hopes of establishing a Popish ascendancy; and it appears that he has been given to understand, that both the late Directory, and one of the principal ministers of the present government of France, had coincided in the justice and propriety of that stipulation.

The peculiarity of this situation of Ireland, both in its internal and external relations, would undoubtedly justify extraordinary measures of precaution, which seem called for, not more by attention to the security of the government at large, than to the happiness and even existence of the loyal part of the community. The system of terror originally adopted by the leaders of the United Irish, who first publicly recommended assassination, and then formed committees for the purpose of concerting and directing it, has been continued to the present hour, sometimes, as will be seen hereafter, with the same enormities; at others, with the less fatal, though scarcely less cruel, excesses of inhuman beatings and floggings. The ostensible objects to which these outrages were directed have been different, and are now more frequently, in the first instance, those of lowering rents, abolition of tithes, regulation of wages, and price of provisions, than those of an alteration in the form and constitution of government. This system could only be counteracted by the apprehension of prompt and efficacious punishment for the guilty, and the sense of security and protection for the innocent. The regular course of law affording only periodical occasions of trial, and providing in the interval no effectual means for protecting the witnesses from seduction or intimidation, or the jurymen from outrage, was found inadequate to the pressure of the case; while the extension of the mischief, and the uncertainty where it might next break out into action, required a remedy equally prompt and universal.

It appears from the minutes of courts-martial held at Rathdrum, Limerick, Clonmell, Wexford and Leixlip, that during the year 1800, the counties of Wicklow and Wexford were infested by bodies of rebellious banditti, acting under the orders of regular leaders, and perpetrating from time to time, with every circumstance of aggravation, the crimes of robbery, burglary, and murder;—that in the counties of Tipperary and Limerick, the practice of breaking into houses, and cruelly beating or flogging the owners with rods made of thorns, in order to fix an arbitrary and inadequate price on the necessaries of life, frequently ending in, or accompanied with premeditated acts of murder, was very prevalent; and had spread such terror over the whole country in which it prevailed, as would have baffled all the exertions of the ordinary magistracy, if not counteracted by the vigour and energy of the new jurisdiction. The peculiar situation of that district, and the effect of the measures adopted to tranquillize it, are so fully and satisfactorily detailed in the evidence of Mr. Ormsby, a very eminent barrister, who was deputed by the lord lieutenant to preside at the courts-martial which were to sit at Limerick, and from whom your Committee have been enabled to procure a degree of information, which no other person was so competent to supply, that they wish rather to refer to his account, than to impair the precision of it by incorporating parts of it in the body of their report. They have also added, in their appendix, the evidence of captain Bloomfield, assistant quarter-master-general in the same district during that period. Some particulars, however, arising out of those trials, seem so peculiarly characteristic of the spirit which still unfortunately prevails in that country, that they are desirous of submitting them to the attention of the House.

It appears established by satisfactory proof, that when a desperate conspiracy was formed, for surprising and massacring a detachment of his majesty's troops stationed at Cappaghwhite, a principal inducement avowed by those engaged in it, for undertaking so hazardous an enterprise was, to demonstrate the readiness of that part of the country to engage in rebellion, as a pledge to others, with whom they had not before co-operated, of their readiness to join them, when they should have resumed their former treasonable proceedings; for they thought, as they themselves expressed it, "That Leinster would never rise till Munster would be up, as Munster did not rise when Leinster was up." On another occasion, the mode by which private assassination is planned and directed, was clearly developed. The persons concerned,

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to the number of 14 or 15, who from their acts must be considered as principal conductors of these enormities, are found meeting in mid-day, as if by accident, at some public-house, where they occupy a room up stairs, and without suspicion enter upon their consultation of proscription. One of them presides as chairman; and each is called upon for informations against any loyal subjects, for acts which may have incurred their pleasure. The chairman then puts the question, which is determined by holding up of hands, and sentence of death is regularly passed, if the verdict of guilty is pronounced. The mode of execution is then discussed, whether by a large number to be collected from the neighbourhood, or by a select body of twenty-one, to be collected in parties of seven, each from distant and remote parts of the country. Other circumstances have occurred, expressive of the terror produced by the apprehension of such or the like outrages, and of the impediments necessarily produced by it to the course of legal investigation. The information of a person, who had since died of the severe beating he had received from one of these nocturnal gangs, was produced in evidence against them. It was proved by the magistrate before whom it was taken, that nothing could induce him to give any account of the persons concerned, till (at the end of some weeks,) he was convinced of his approaching death, and then, at the risk of the same danger to his wife and children, who did all in their power to prevent it, made the disclosure. In another instance, the person beat, not only at the time prevented his daughter from naming the man concerned, putting, as she expressed it, his "bloody hand on her mouth, and bidding her hold her tongue;" but on the trial itself appeared so much under the influence of the same terror, as to contradict, with respect to the identity of the person concerned, the positive testimony of two of his daughters, whose general veracity neither he nor any other person impeached. The motives which lead to the adoption of this system of terror, as well as the effect of it, may indeed be easily conceived, when it is considered that in many instances the outrages are committed without any disguise by persons perfectly well known to the sufferer, and frequently his immediate neighbours.

In the present year, but few instances of courts-martial deciding upon offences committed within that period, have been transmitted to your Committee, and those chiefly for the trial of outrages committed in the Wicklow mountains and in the neighbourhood of Dublin. But they have received from the reports of magistrates and general officers in most parts of the country, up to the latest period, accounts which have appeared so fully authenticated, and so material in themselves, that they have thought it proper to insert several extracts from them in the appendix to their report. The nature of much of this, however, as connected with the general safety of the empire, has laid your Committee under some difficulty as to the mode of submitting it to the House, lest, by endeavouring to enable them to appreciate the danger in order to provide for the prevention of it, they should facilitate, either to the foreign or domestic enemies of the country, the means of augmenting it; they have thought it most prudent therefore to avoid in general the particular description of the counties or districts referred to, as well as the names of the magistrates and officers from whom the information is derived.

From the result of this it appears, that, in one county, notwithstanding the general tranquillity that prevails, there is one district which still perseveres in legislating for itself, and enforcing obedience to its own laws. That in another barony in the same county, the frequent practice of killing cattle in the night, is represented, in the opinion of all the magistrates, "as connected with the rebellion which so lately prevailed in the country." And recently, a paper has been found upon a man in another barony in the same county, dated 24th January 1801, containing, amongst other things, some oaths expressed in terms which deserve very particular attention.

That a similar disposition exists in part of the adjoining county, where it is stated, that "nothing but the strongest measures of government can put down the unquenched flame of rebellion, while any expectation is entertained of French aid;" and that the same county is still infested with gangs of armed robbers, who commit frequent excesses—That the practice of proscribing new tenants of lands, and fixing the rent of them by public notice in some fictitious name, still prevails, and has been recently enforced by atrocious acts of murder; that in the perpetration of it, the same mode appears to have been adopted, which has been before noticed in the appendix, as facilitating similar outrages, by conveying the gang to or from a considerable distance—by carrying off, for that purpose, the best horses they can find. And your Committee think it material to observe, that this practice of horse-stealing, which has been prevalent to a great degree in different parts of Ireland, appears to have proceeded, not so much from the motives which lead to particular acts of theft or robbery in other countries, as from a systematic design in the disaffected, to acquire the means of more readily executing their atrocious projects against the government of the country, as well as against the lives and property of individuals, whom they may have marked out as their victims.

That, in another adjoining county, the practice of flogging, to induce an arbitrary cheapness of provisions, often attended with robbery, still prevails, conducted in some instances by a banditti of 200 men armed and

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mounted. That a difficulty is found in procuring the assistance of the magistrates; and that, in consequence of these outrages, the corps of yeomanry are ordered on permanent duty. And this information comes from a general officer, who had, at the beginning of the same month, represented the general tranquillity of that part of the country.

That two counties, in another province, have been subject to depredations of the most alarming kind, accompanied with murder where resistance was found or expected. A general tendency to disorder, among the lower class, is stated to exist; and the disposition to rebellion itself not to have been extinguished.

That in another county, though disturbed by no murders or plunder of fire-arms, and though the ordinary course of law has there been found competent to bring to trial and capital conviction not less than twenty at the last assizes; yet that no juries would have ventured to give the verdicts they did, but for the protection afforded them under the Martial-law act. That still apprehensions are entertained of projected mischief, for which the lower orders are supposed not to be unprepared—That in a part of the county, a new association has lately been formed, formerly called "Defenders," but now distinguished by the name of "Finishalls."

That in another county, for a year past, one whole barony has been tributary to and in possession of an armed banditti of about 50 persons, under two known leaders, who regularly exercise their men, station their pickets, and march, to the sound of a horn, to the commission of all sorts of outrages, and declare their intention of persisting till a general rising may enable them to overturn the existing constitution and government.

From part of another province similar representations are made of the state of the public mind; and actual information has been received, of a gang of 170 men, embodied and practising regular exercise with poles representing pikes, adapted to a body formed three deep, and calculated to resist the charge of cavalry; and that in many districts the country remains organized as before the rebellion; and that through the whole province means have lately been taken of communicating with the former leaders of the United Irish.

Other instances have occurred, where the proceedings appear to your Committee to be too notorious to require the caution which they have hitherto used in concealing the name of the place. Among these it has appeared, that outstanding rebels still continue their depredations in the county of Wicklow; that though when military posts were established in the mountains last summer, they divided themselves into several parties, yet a connexion is still kept up between them, and they frequently join, and sometimes change places. That innumerable robberies were committed by them during the last winter, though few persons had fortitude enough to give information or even to confess any knowledge of the persons concerned, when examined by magistrates for that purpose, owing chiefly to the terror inspired by the murder of four witnesses, who were all shot in one parish toward the end of 1799 and beginning of 1800: that known leaders of the former rebellion, who have either availed themselves of the pardon, or escaped from justice, are still at large, and considered as a rallying point for the seditious on any future opportunity of insurrection; one of whom had the audacity to propose a treaty with the magistrates for his surrender, on the terms of remission of the sentence under which his brother was to suffer for an atrocious crime, but which he afterwards refused to fulfil.

The robbery of the mail in Kildare, in the month of April last, by a gang of 18 or 19 armed men, who commenced their attack by a volley of musquetry, is a striking instance of the manner in which these outrages are committed; and a recent and well known transaction of the most atrocious nature, in the county of Tipperary, proves that the system of secret proscription and delegated assassination is still in force, supported either by the concurrence of extensive confidency or the effects of general intimidation. Your Committee refer to the murder of Mr. Price, who having taken a farm against the wishes of those who take upon them to regulate the rents of land, received a written intimation, which appears, from the evidence of a member of this House, to have been to the following purport:

"*Liberty Hall.*

"Take notice, that you have been tried and convicted of having taken——farm—You have been sentenced to death—You are to give up the farm, otherwise the warrant for your execution is in the hands of the executioner. —Given at the council chamber."

This account, the member received from the brother of the deceased, who showed him another letter to the same effect, which was served on a tenant of Mr. Price at the same time, who in consequence fled the country. Mr. Price was within a few days, in the open fields, at noon, fired at and murdered by a single individual, who was suffered to depart at his leisure, without any endeavour being made to detain him, though many people were at work at no great distance.

Having already stated the grounds of the necessity for resorting to the measure authorized by the Martial-law act, and noticed the effects which have ensued from its adoption, your Committee have only to submit to the House an account of the manner in which it appears to have been carried into effect. They have been furnished with minutes of forty courts-martial held under the authority of that law in the year 1800, at which 70 prisoners were tried; and of fourteen in the pro-

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sent year, at which 24 were tried. They find the Court was, in none of those instances, constituted of less than five, and in most of seven officers, in one of nine, and in another of twelve: that at Limerick, where there were only five, Mr. Ormsby, above referred to, presided as judge advocate, whose conduct is completely detailed in the appendix: that, in other instances, a professional man also attended; in some, a captain acted as judge advocate: that in one, in which an ensign acted as such, the Court consisted of a lieutenant-colonel, two captains, and four lieutenants. That at Rathdrum, the only place where no one attended as such, the judges were, a field officer and six captains. That the sentences were in all cases transmitted to the lord-lieutenant, who appears frequently, in cases of difficulty, to have referred them to the law officers; and who always signified his confirmation or alteration of the sentence in his own hand-writing. The result of the above-mentioned fifty-four sentences upon the 94 prisoners is as follows:

Sentence of Courts Martial.	Persons.	Ultimate Sentence.	
Acquitted	24		
Imprisonment	2	Released	1
Fine of 100*l.*	1	Released	1
Whipping	9	Remitted	1
		Reduced 200 lashes to 100	1
		Do. 500 do. to 75	5
Service abroad	5	Ordered for general service	3
Transportation	19	Remitted	2
Death	34	Changed for transportation	12
		Pardoned	2
	94		30

On the whole of this part of the subject and on a full consideration of the existing evil of the adequate remedy, and of the means of administering it, your Committee are unanimously of opinion, that they should be insensible to every suggestion of preventive policy and protecting legislation, if they did not earnestly recommend to the House the continuance of the law in question.

Your Committee having thus laid before the House the result of their investigation into the matters referred to them, deem it an indispensable duty, before they conclude, to call the particular attention of the House to a consideration which appears to them of the most urgent importance, with a view to the efficacy of the measures adopted for counteracting the dangerous and desperate projects which they have described.

They have already stated, that much of the information which has enabled the government from time to time to detect and guard against these projects, is of a nature, which cannot ever, without extreme inconvenience or danger, be disclosed. The safety of individuals, who, resting on the faith of government, have, with great hazard to themselves, contributed, by their secret communications, to avert the public danger, would too probably, in many instances, be sacrificed by such a disclosure. Many of the secret channels of authentic information, from which so much advantage has been derived at critical periods, would be closed for the future; and the effect intended by the legislature, in renewing the suspension of the Habeas Corpus act, would be, in a great degree, if not wholly, defeated; while sources of intelligence would be laid open to the observation of our foreign and domestic enemies, which it is highly material to the permanent interests of the public carefully to conceal.

The peculiar caution adopted by the present conspirators, and noticed in the former part of this Report, by which the knowledge of their plans and operations, and even of their places of meeting, is endeavoured to be confined to a very select body, who avoid as much as possible all written evidence of their transactions, affords at this time an additional motive for preserving the means of discovery. It is obvious, therefore, that the greatest inconvenience and mischief might arise from any proceeding which would subject the government to the indispensable necessity of making public the information and evidence on which they must in many instances have acted, in the exercise of the powers entrusted to them, of committing and detaining persons for suspicion of treason and treasonable practices.—On the other hand, your Committee are aware, that without bringing forward such evidence, it would be impossible for the government to exhibit and explain the true grounds of their conduct, so as to justify themselves against a charge, however ill-founded it might be, of any undue exercise of those powers. It is indeed true (as has been already stated), and it has been most satisfactory to your Committee to observe, that the information on which government in the first instance proceeded, has been confirmed by so many collateral and cotemporary sources of positive information, as well as by subsequent facts, as to leave no doubt of its authenticity. But while these circumstances of confirmation show in the strongest manner the value and importance of the information thus obtained, and the advantage which has been derived to the public security from the use made of it, they furnish additional reason for not suffering particulars of so delicate and perilous a nature to be made public. At the same time the committee think it right to call the attention of the House, to the comparatively small number of persons detained, and to the effect happily produced in preserving the peace of the country, in spite of that restless and persevering spirit which under so many trying circumstances has laboured to disturb it. This consideration of itself furnishes a strong presumption that

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these powers have, on the whole, been cautiously and sparingly, but at the same time judiciously exercised; but your Committee beg to have it understood, that their opinion does not rest on this general presumption; they have thought it a material part of their duty to investigate, carefully and minutely, the grounds on which the several persons who were in custody have been apprehended and detained; and they are bound in consequence to state their deliberate opinion, that the warrants for apprehension were not issued but upon such ground of suspicion as at least justified bringing the parties for examination; that, according to the result of such examination and further inquiry, they were either discharged or bailed, or finally committed; and that such commitments were in all cases founded either on such clear and positive charges, supported by oath, or by authentic documents, or on such grave and solid grounds of suspicion arising out of the circumstances of the case, as abundantly warranted the proceedings; and that government could not have forborne in any instance the exercise of those powers, without a criminal and dangerous neglect and disregard of the public peace and safety.

Under these circumstances, your Committee cannot forbear submitting to the wisdom of the House, the propriety of such an act of indemnity as may protect all persons concerned in these commitments from the effects of any legal proceeding, without subjecting them to the necessity, either of suffering for a conduct in itself meritorious, or of disclosing, in their own defence, those particulars, which every consideration of humanity, good faith, and policy, must render it their duty to conceal.

Debate on the Eligibility of Mr. Horne Tooke to sit in the House of Commons.] March 10. Earl *Temple* said:—I rise, Sir, in consequence of a notice which I gave some time ago, to draw the attention of the House to the eligibility or non-eligibility of Mr. Horne Tooke to sit in this House. I earnestly implore the House to believe, that I bring this question forward upon a principle of duty, and from no personal disrespect towards the reverend gentleman. For, Sir, whoever might have been the individual, even if a relative of my own, placed in similar circumstances with this gentleman, I should equally have felt it my duty to have brought this subject before the House; and I sincerely hope that the House will divest itself of every consideration that may peculiarly apply to the reverend gentleman's politics or principles. I should be mortified if the discussion should receive any bias whatever from private prejudices. Still less, Sir, do I wish to be suspected of any disrespect to the body of the clergy. Far be it from me to wish to degrade that useful body in the eyes of the people, and more particularly at a time when the stream of public prejudice, especially in a neighbouring country, has run high, and has received the aid of current opinion, derived from the sources of false philosophy, all tending to involve in one common ruin every thing held venerable by the wisdom of ages. The question is not, whether this or the other description of persons be the most proper to sit in this House, or whether a black or a brown coat should be worn within these walls; but whether or not we should abide by that parliamentary constitution which our ancestors have established? The question is, whether, in this moment of innovation and reform, we should depart from that rule by which, for centuries past, the members of this House have thought fit to abide? And if the constitution and usage of parliament have settled this point, then the question is, whether or not we should abide by the established rule of precedent and practice? We should recollect, that those parliamentary rights are entrusted in our hands, and that we have no authority to transfer them to others. We should guard them, lest the barriers of the constitution be impaired by us. But before I proceed to move that a new writ be issued for Old Sarum, I must first endeavour to prove that the hon. gentleman stands in that predicament which constitutes his ineligibility to a seat in this House. In order to this, I mean to move that evidence be called to the bar of this House, to prove that the rev. gentleman was actually ordained priest, and officiated under that character; and after having proved this by evidence, I shall propose to move the appointment of a committee to search for precedents, with a view of finally moving the ineligibility of the rev. gentleman to hold a seat in this House. I first of all move, that Mr. Boucher be called to the bar. He is deputy register of Salisbury; and I propose his being called to produce evidence that Mr. Horne Tooke was actually ordained priest.

Mr. *Fox* said:—Sir, I shall gladly concur in any measure that may tend, without violating the accustomed order of business, to bring this question to a speedy determination. But in the time which has elapsed since I first had a seat in this

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House, I do not remember that it ever was consented to examine witnesses, merely for the gratification or illumination of any particular member, and not upon some previous resolution, expressing, that the House itself, not barely a single member, had in view some clear definitive object, toward which the evidence of those witnesses was directly wanted. If we now proceed to the examination of Mr. Boucher, why do we so? Because his evidence is necessary, in consequence of any resolution we have already come to? No; but because the noble lord thinks it will help him forward to another motion. Sir, if there be on your Journals a single precedent of what the House seem now hastening to do, let it be produced. Not that there have not been times fruitful in examples which I should not wish to see confirmed by any thing we shall this day do. But if the noble lord must be, at all events gratified, give us at least the excuse of a precedent, if such may be found, for the irregularity into which we are to be thus hurried. I do not now seek to anticipate the merits of the general question. I and many others may possibly be disposed to think a priest just as little ineligible as a lawyer, a naval or a military officer, a manufacturer, a merchant, one of the king's ministers, or a physician; but it would certainly be much more consistent with the natural method of inquiry, and certainly more conformable to the established order of the proceedings in this House, if we should first decide, whether a priest be eligible to represent any of his fellow-subjects in the House of Commons; and then ascertain, whether the gentleman, with a view to whose situation this discussion is brought on, be or be not a priest.

The *Speaker* observed, that the idea of the noble lord was, that Mr. Horne Tooke, being a priest in orders, was not eligible to a seat in that House. In order to prove his being in orders, he meant to call witnesses to the bar; and the motion he now made was, that Mr. Boucher be called in; and in all this he conceived the noble lord had acted orderly, as he had formerly moved that Mr. Boucher be requested to attend.

Mr. *Bragge* said, that since this was a matter of privilege, it was extraordinary that cases of this nature did not frequently occur to direct their proceedings, or that a committee of privileges was not now in the ordinary exercise of its functions; but it was not at all extraordinary, when a person was returned to parliament under the peculiar circumstances of the rev. gentleman, and without there having been any petition presented against this return, if a member in his place should take the matter up, and say that such a person was ineligible. This was doubtless one mode of calling the attention of the House to the subject, in the manner in which the noble lord had actually done; and that such a mode was practicable for him to adopt could admit of no dispute. If the noble lord had said his wish was, to move a new writ, that, in the present instance would have been premature.

Mr. *Fox* said, he was at a loss to know how far any member was justified in calling for the examination of witnessses, merely by stating facts which might lead on to a very unpleasant examination; as supposing the noble lord had chosen to move for witnesses to be called to the bar, to examine into the hon. gentleman's qualifications. He must therefore repeat his opinion, that the House ought first to sanction the proceeding itself on which it grounded the examination of witnesses.

Mr. *Horne Tooke*—Mr. Speaker; I am bound to resist the present motion; not that I have the smallest desire in the world to prevent or to delay the discussion of the main question. I only desire that the discussion may be full, and fair, and free. I beg the House to recollect the previous proceedings of the noble lord upon this subject. Three weeks ago, when I was sworn at the table, his lordship gave notice that he would, after the expiration of fourteen days, if no petition was preferred against me, move this House for a committee to inquire into the state of the representation of Old Sarum. Afterwards I attended at the expiration of fourteen, fifteen, sixteen days, in my place, but nothing was mentioned on this matter. On the 17th severe indisposition kept me away; I found on the 18th that his lordship, in my absence, had given notice that he should, on this day, make a motion respecting the eligibility of the rev. Mr. Horne Tooke to a seat in this House. I attended on that day; his lordship then came to me, and very handsomely said he would tell me what sort of a motion it would be. The lawyers, his lordship said, had not been able to determine what sort of a motion he should make on the subject: but he told me, he should be able to tell

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me what would be the motion on Tuesday: I attended, and then his lordship, instead of informing me of any thing, made a new motion for the examination of witnesses. Sir, I told you and the House I would save his lordship the trouble, acknowledging then, as I do now, that upwards of forty years ago I was ordained a priest. Sir, I then understood, from your authority, that such an admission was not proper to be received and acted upon in this House. I ought to have some knowledge of the proceedings of this House, for I have been in the custody of the serjeant at arms; and from that knowledge, I aver it to be the constant practice of this House to take the admissions of parties as evidence of facts. And you do well to take such admission as evidence, for it is the best evidence you are capable of receiving—*Habes confitentem rem.* You cannot have evidence upon oath, for you are not empowered to administer it at your bar. Can you, therefore, have better evidence than the admission of the party himself? Certainly you cannot; and it has been the practice of the House, under that idea, to receive it. You have even gone so far as to ask a man at your bar to criminate himself; for, when a printer has been there, you have asked him whether he was the printer of a certain paper; upon his answering —"Yes," he has been sent—where he deserved to go. Sir, I believe the fairness and justice of this House will lead it to concur with me in resisting this motion, unless the noble lord will come forward and explain with what he means to follow it up. He has not done so. I believe his lawyers have advised him not to do it; for he has said he would have done the same thing to his most intimate acquintance in the same situation. I hope it is not the habit of the noble lord to tamper with lawyers, to engage them gratis to look for a flaw in another man's title. I believe this motion springs not from personal enmity to me (for I do not believe there is any personal enmity to me upon earth), but from political animosity. [Here there was a cry of Order, order!—Chair, chair!].

The *Speaker* begged the hon. member would abstain from attributing motives to any body.

Mr. *Tooke*— I beg pardon of the chair and of the House too, if what I said was disorderly; but although the noble lord could not have meant to allude to any personal qualities in me, yet he did allude to my principles and politics. When the noble lord called on the House to put out of its consideration every thing which personally related to me, but called on the House to take into consideration my principles and politics, he was heard without any interruption; and so ought I, when I call upon the House to do the same thing. I implore them to take into their consideration my private and my public character, my morals, and my public principles; the actions which I have done, and the whole of my life. The House is bound to take them all into consideration; because on these I mean to rest what I have to submit to the House. I claim merit with this House. The act which has been so frequently alluded to for the settling of election contests, known by the name of that noble lord's ancestor, Mr. Grenville, and which has justly been the subject of applause repeatedly throughout this House, I am the cause of—the act of the noble lord's grandfather I produced. If there be any merit in that act, I am the cause of it, for I was the cause of the act itself; and those who are old enough in this House know that to be a fact. Those who were intimate with the noble lord's great uncle—[Order!]. I entreat the House to consider, that unless the brains and minds and understandings of men are formed exactly alike, it is impossible for one man to say what another intends to utter; it, therefore, is impossible for another to say what I am going to utter: hence it is generally a little difficult, until a man has got to the end of his proposition, to judge well whether he is in order or not. I trust I am not impertinent, nor speak to that which does not belong to the thing in discussion. Upon my honour I do not think I do so now; but I have a habit of reasoning, which to some persons may appear odd, because they may not be used to it. I like to state things in the beginning of a debate, which not only every impartial mind assents to, but which all minds are likely to assent to: this I do by stating things that are in themselves never disputed; and there may be some who will not see immediately what use I intend to make of the facts after the concessions are made. There are two modes of reasoning; the one is, to state at first all you mean to prove, and then proceed to prove and

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draw your conclusion; another, to begin at the other end, and to obtain concessions as you go on, and having had them, to proceed to deduce something out of them. This is the better way of the two, if you suspect that the person you have to contend with, or whom you may have to speak to, is not impartial; and your reasoning is good for nothing, if it will not sometimes, as occasion may require, suit such persons; for if you convince none but impartial men, you do but little, since such a man seldom wants much assistance from any body, if he has but diligence. I was speaking of the Grenville act—I have said who was the cause of it. I need not praise it—The House knows the character of it. When the success of the noble lord shall have been completed, if he shall succeed, it will only give him the honour of inculpating the House in the disgrace of defeating the whole of the act of the noble lord's ancestor. I am speaking to the real question before the House, although it may seem otherwise to some who hear me; and the heart of every man who either regards the rights of this House, or of the individual who wishes to protect either public or private property, ought to be engaged;—for if the noble lord obtains his object of voting me out of this House, then all the old mischiefs and exploded practices of this House, such as very corrupt returns (for there have been such things), will be revived, and in full force. Now, this observation I expect to apply to men of all principles, and even to those who have no principle. If my observations should be of that character, I should be sure to succeed. If a man confines his arguments or observations to the good alone, he can never succeed to a great extent. If you cannot take a great portion of the bad with you as well as the good, you will have no chance of any considerable success in this life. But I shall come directly to the question before you; and here I apprehend the lawyers (for they well understand their business) will comprehend what I am going to say—I ought to esteem the profession of the law — indeed I love it; — forty-five years ago, the now lord chief justice of England and myself entered as students in the law together, in the Temple, on the same day. The profession of the law was my original destination. I say, I love the profession of the law, and many of its professors. I wish to God I could always approve of their practices—but *dolus an virtus* is their motto.—The noble lord ran to lawyers—it was the duty—or if not the duty, it was the practice of a lawyer, considering himself as an advocate, to tell the noble lord how he should be likely to succeed; and the lawyers advised the noble lord to make a hustle of it, and to throw all things belonging to the case into confusion, and to get a lumping vote of the House, and keep the real merits of the case out of view. This was consistent enough in advocates; for the more injustice it conceals, the more credit will they gain for their skill. But if the House will attend to me, I will lay the case before them in a way that will satisfy every man in it, whether he be for me or against me: I will put the question so distinctly, clearly, and plainly, in a light that shall not be technical, and in a way that not only every country gentleman, but even a lady, shall understand it as easily as the deepest lawyer in the House; and this is the way in which I shall endeavour to do it. It will be the duty of the House, as I take it, to consider the point under different heads, if the question is to be, whether I shall sit in this House or not? or rather, whether I can sit in this House by law? Now, in examining this matter, the first question undoubtedly will be with the House—is there any specific or positive law against my sitting in this House? That there is not, is pretty evident from the course which is now pursued. If not, the next question will be, What other law shall we resort to? The points then to be considered will arise out of the canon law. Upon this there will arise five questions; that is, supposing that there is no specific law against me, which I take for granted for the present, and which, if there is, may, and no doubt will be produced; there will arise five questions, and I shall myself be very happy if every one of the five points should be decided against me. If one of them is decided in my favour, down at once goes the whole of the controversy. I state the thing in this way, under distinct heads; for, as it now stands, it is such a mixture of confusion, that some men's minds have been puzzled, while my own has been nauseated at the contention it has produced already. But the only way to get out of that disagreeable situation is, to reduce the thing to method, under distinct heads. First then,

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I say, that if there be no positive law upon the subject, we must resort to the canon law. Does the canon law bind the proceedings of this House? Sir, I am not arguing the question, but showing the House upon what course they must go to lay the foundation of a just decision on this day. The next question will be, How far, and in what manner does the canon law bind even the clergy? Does it bind them out of the profession? Does it follow them into civil life? The third question will be, Does the canon law bind me, who have been a priest? That involves another, which refers to the case of a person who has taken clerical orders, but who has renounced them and become a layman, and what are the consequences if he does? And the noble lord will recollect, that upon that, if decided in one way, will rest the whole case: there will be no question upon clerical orders, if they are not binding on one who has renounced them and become a layman. Then, I say, before it is possible for this House to form a correct judgment, these three points that I have stated must be determined, and the determination of one of them in one way will put an end to the whole dispute. There will, however, supposing the decision of that last to be in the affirmative, remain two questions necessarily to be determined. Can the canon law legally bind the proceedings of this House? How long will it be before I shall be able to make this House determine that in the affirmative? Shall the old proverb, of "once a captain always a captain," be made to apply to a clergyman? Now, what are the canons applicable to this point? There are two canons, both relating to the same point—that is, that a man in holy orders shall not wear arms, nor shall exercise the office of a justice of the peace. These are put back. The other, that no deacon or minister shall at any time relinquish the order, and use himself as a layman. Why, it must then appear that a seat in parliament calls for such functions and duties as are totally unfit for a person who has received clerical orders; and it must be determined that a seat in parliament is that sort of using a man as a layman, that he cannot sit in this House without offending against the canon law, and that the canon law is binding on this House. Now, I declared that I did not mean to argue either of these points; I intended only to state them—I shall keep my word. But I desire the learned gentlemen of this House, whatever their wishes may be, that they may take this matter up, and try their skill upon it; at least I shall have great satisfaction in the exertion of their skill, for they cannot exert it without committing their characters to whatever they say; and the higher that character is, the greater will be the responsibility of its owner for the use he puts it to. I shall be glad to hear them say, whether an honest and fair judgment can be given on this subject, without discussing every one of these points which I have stated. Having said this, I can only add, that I am sorry to have troubled the House so long—my apology is, that the noble lord has dwelt on topics that made it necessary. I will just, by the way, observe personally, that I not only entreat, but call on the House to pay but little regard to any observation which some men may make upon their having a large stake in the country; from whence they would infer, that there is every security which can be desired for their public virtue. Sir, I have a stake, and a deep stake in this country—my character: a stake not stolen from the public hedge, but planted there; a stake that I would not change with the noble lord and all his connexions put together. His stake cannot be augmented or increased but out of the public stock—but mine is augmented when I can add to the common stock of happiness and public benefit of mankind.

Mr. *Simeon* said, that the hon. gentleman had argued against the necessity of the motion from his own confession of the fact which it was designed to establish, and in illustration of this argument, had made an application of a common rule of law, that when the court had obtained sufficient evidence of a fact, examination became unnecessary. On this principle he had contended, that after he had admitted the fact of his having been a priest, the examination of witnesses to prove it was nugatory. This confession might perhaps be sufficient to bind him as an individual; but it could not be regarded as valid by the House, in a case where the rights of others were involved. In this case it was not merely the rights of the hon. gentleman, as an individual, that the House were obligated to take under their consideration, as affected by this admission, but it was also the rights of the borough of Old Sarum, in the person of its representative. Though there might be a

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sufficient ground of procedure on this admission, in any thing involving the hon. gentleman's own interests, still as the interests of other persons were at the same time implicated, the House could not, consistently with their duty, admit it, as such evidence as would sanction any future decision they might adopt on the general question.—Having thus endeavoured to invalidate the argument from admission, he proceeded to advert to the reasoning of Mr. Fox. From the long experience, the splendid talents, and extensive knowledge of that right hon. gentleman, it was indeed impossible ever to hear him address the House without expecting to derive information on any subject to which he called their attention. On the present occasion he had expected that his intimate acquaintance with the orders of the House, would have enabled him to have stated precedents establishing the illegality of the order, or to have urged arguments against it, enforcing the inconveniences with which it might be attended. In this, however, he had been disappointed, and during the course of what had fallen from the right hon. gentleman, he had heard no sufficient argument against the motion. It was a well known maxim of law, that *ex facto oritur jus*, that it was necessary in all cases to establish the fact before the law could, with propriety, be applied; and this was the principle on which the motion was founded. The House were either to obtain the knowledge of the fact in the present case, or, without having obtained the necessary knowledge, they were to go into a committee on the abstract question. If they previously obtained the knowledge, they would then be in a capacity of applying the law, after they had, in a committee of precedents, determined the abstract question. On the other hand, if they first proceeded to the consideration of the abstract question, whatever determination they might come to, they would be unable, from their ignorance of the fact, to make any application of the law. The question then, was, in reality, whether they were to examine certain persons respecting this fact, whom by a previous order they had called to the bar this day, and who now attended in consequence of that command; or whether they were now to tell them that the former order was illegal, and that as the House had on a previous night agreed to a motion altogether unconstitutional and unparliamentary in its nature, they were now under the necessity of dismissing them without having exacted of them any of that information for which their attendance was required. Whether the clergy had, by the principles of the constitution, a right to a seat in the House, or whether the public would be benefited or injured by this exclusion, were important questions, in the determination of which he was persuaded that no personal or private feelings would enter. For his own part, he could assure the hon. gentleman, that he should apply his mind to the consideration of the subject with no wish but that of coming to a proper conclusion on a great constitutional question.

Mr. *Ryder* took notice of the opposition of Mr. Fox to this motion, and which opposition was not distinguished for that strength of reasoning which might have been expected from the quarter from whence it came; for the hon. gentleman had not made the least distinction between the examination of a witness at the bar, and the production of papers to the House. The House was in the daily practice of ordering papers, preparatory to the discussion of the subject to which they referred, and the case was the same in principle as to the examination of witnesses. That the thing was not common was very true; the subject to which it referred was uncommon; but it did not follow, that it could not be plain in principle, because it was uncommon in practice. He thought it would not be difficult to find examinations of witnesses upon the Journals under circumstances precisely similar. Even though there were, however, no precedent in point, still he would contend, that the mode proposed by the noble lord would be the most natural and rational, and that it would be absurd to consider the legal consequences of a fact before such fact was ascertained.

Mr. *Fox* enforced what he had formerly stated, and pointed out a striking distinction between an order for parole evidence, and the production of written documents. In the one case the precise point to be proved was distinctly ascertained, whereas in the other, the examination might be protracted to an unexpected length, and might extend to points which were wholly out of the contemplation of the House at the time the order was issued. He denied that he had pointed out the propriety of referring the business to a committee. He had never asserted that there was any

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thing in the circumstances of the case which called for the interference of the House. What he had asserted was, that it was contrary to the practice of the House at any time to call evidence to a fact on which they had come to no previous determination; that if any determination had taken place, it ought to have originated in the report of a committee, and that then, if necessary, evidence might with propriety have been resorted to.

The *Attorney General*, in saying a few words on the question of order, professed to be guided, not so much by a knowledge of the particular forms of the House, as by the general principles of human reason. Nothing appeared to him more self-evident than this proposition, that the basis of every inquiry was the establishment of the fact as a foundation for the proposition of law. On what a wide field of uncertainty and speculation would the House enter if, without previously using the means of ascertaining the fact on which the whole case depended, they should involve themselves in all the perplexities and subtilties of an abstract question. He thought the present a question solely for the decision of the House, and, regarding it in this light, he conceived that the establishment of the fact was essential even to the commencement of any discussion. By adopting another line of procedure than that which had been recommended, the House would be proceeding *inverso ordine* of all law. To enter on the abstract question without first paving the way for it by leaving the fact free from doubt, would be to entangle and embarrass all subsequent inquiry. The admission of the fact by the hon. gentleman himself, he could not allow to be admissible evidence to such an extent as would warrant a decision of the House. He declined entering into any opinion, in the present stage of the business, on the general question, not only from motives of delicacy to the hon. gentleman, but from a wish not to anticipate an opinion, the grounds of which in a great measure might depend on information to be hereafter presented.

Mr. *Erskine* said, he was extremely ready to admit the fairness of the question brought before the House. He thought, however, there were two different modes of discussing that question—both, it was true, leading to the same end; but one much preferable to the other. He was decidedly hostile to the calling of witnesses to the bar of the House in the present moment. It did not follow, because the House had one day ordered certain persons to attend for any purpose on another, that therefore the House was bound to call them to the bar for the purpose of fulfilling the object for which they were ordered to attend, when, upon due consideration, their examination might be adjudged unnecessary or improper. It would be recollected they were only ordered simply to attend; and surely the House might adjudge, after again considering the subject, that their farther attendance was unnecessary. A disqualification to sit in that House must arise either out of the common law or the statute law; and he considered the customs and usages of parliament to be a part of the common law of the land. The noble lord had brought forward no statute to prove priests disqualified from sitting in that House; he had not taken the opinion of the House upon the subject, but had called upon them to examine witnesses, for the purpose of establishing certain facts; but to what those facts were to apply, was not yet distinctly known. This was one way of proceeding; another, and which he conceived the most proper method, would have been to appoint a committee to examine precedents as to the general question relative to priests being disqualified from sitting in that House, and upon their report that such a disqualification did actually exist, to have examined evidence as to the particular fact now the subject of dispute. His hon. and learned friend had alluded to a principle of law; but was it the practice of courts of law? Was it ever heard of in a court of justice, or as a principle of jurisprudence, that evidence should be produced against any one without first distinctly stating the offence with which he was charged, or establishing that rule of law by which he was to be tried? Was it not, on the contrary, the constant practice and regular custom, first to prove distinctly and clearly the principle of law, as applied to a particular fact, and then, to call evidence as to that particular fact? The noble lord should unquestionably have shown the disqualification contended for to have arisen out of some rule of law, and then have called his evidence to establish facts. But he had heard nothing stated relative to the law and custom of parliament, which in any way tended to prove that priests were disqualified from sitting in that House.

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At the same time, he thought the noble lord had acted more fairly and honourably in not having assumed it, and in leaving it a question completely open for discussion. Still, however, unless it was proved, in the first instance, distinctly and clearly, that priests were disqualified from sitting in that House, evidence ought not to be heard as to any particular fact, until that general principle was established by investigation and discussion. Would it be allowed in a court of justice, that an indictment for treason should state facts, and that evidence should be heard to prove those facts, which were not known under any existing law to amount to treason; or would they not rather first establish a principle of law, and then prove some act contrary to that principle? The noble lord said he had made up his mind; but upon what data the House were left to conjecture. Surely then, they could not hesitate in instituting a search for precedents, that they might decide, after due examination, whether it was consistent with the law and custom of parliament for priests to sit in that House. It might be said, such an inquiry would be a waste of time, and would end in smoke, but surely the House would inquire before they admitted a general principle, to support which no data were brought forward. He admitted that whichever of the two modes alluded to was adopted, they would lead to the same point; but he objected to a principle being taken for granted which was not proved. Had the noble lord caused different entries in the journals to be read, containing precedents of the exclusion of priests from that House, and then, taking the principle thus established and the fact together, have called evidence to prove the latter, no possible objection could have been made to such a mode of proceeding. The hon. gentleman, who was the object of this discussion, had asked why his admission of the facts which the noble lord wanted to prove might not be taken as evidence? but certainly no member could be ultimately expelled on his own admission, nor could the hon. gentleman compromise the rights of his constituents by any admission of his own. Conceiving, therefore, a distinct principle of law ought to be laid down to which certain facts were amenable, before any evidence of those facts was produced, he should oppose any evidence being called to the bar.

The *Speaker* said, a reference having been made to his opinion, relative to the admission of facts by the hon. gentleman, he wished to observe, that he gave no positive opiniou upon the subject, but merely stated the case of lord Elcho, in which that admission was not allowed.

The *Solicitor General* expressed himself extremely glad the House had been reminded from the chair of the opinion expressed on a former evening relative to the subject of admissions, as it was desirable that opinion should be correctly understood. His hon. and learned friend thought a principle of law should be laid down before any investigation of facts was entertained, alleging this as the uniform practice of courts of justice. He was at all times very little disposed to draw any argument in that House from the practice of courts of justice, conceiving that a very small portion of light could be thrown upon, or very little benefit derived to, any subject under discussion in that House from the practice of courts of justice. He could not coincide with what had been urged by that hon. and learned gentleman, that the principle of law ought first to be stated, and then the fact. Would it not be very absurd, in an indictment for high treason, to state that the law was so and so, and that therefore such a particular act was high treason? Such a doctrine was so inconsistent with his hon. and learned friend's principles, that he must believe he had misunderstood what had been stated by that hon. gentleman, though if the meaning of his hon. friend was not what he had stated, he was at a loss to know what it was. He did not know, till the hon. and learned gentleman rose, that there were two modes of proceeding in the present case, for he had not yet heard a better mode suggested by any gentleman than that adopted by the noble lord. It appeared to his mind, that the noble lord was proceeding with the utmost regularity to establish the fact, and then he might proceed to prove the ineligibility. When the fact was proved of a priest sitting in that House, the discussion might then be proceeded in as to the point whether he was eligible or not? Where would be the utility of discussing a question in the first instance, when, perhaps, after all, no fact could be brought forward that rendered such a discussion necessary? If it was referred to a committee, who should decide priests to be disqualified, evidence must still be ad-

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duced to prove the fact of the ordination of the gentleman who was the object of discussion. He thought it would be most preposterous if the House went into the question of law before the necessity of any discussion of such a question was rendered apparent, by the proof of the fact which it was now wished to establish.

Earl *Temple* wished to have it distinctly understood, that he did assume Mr. Horn Tooke to be ineligible to a seat in parliament, and that it was from a conviction of this, that he had brought forward the motion.

Mr. *Sheridan* thought that the feeble attempts to answer the objections which Mr. Fox had, in the outset of the discussion, brought forward against the motion, instead of weakening them, only tended to illustrate them in a clearer light. He contended, that the mode of proceeding which the noble lord had adopted, gave considerable colour to the supposition that the motion was not the child of his own brain, and if it could not claim any of the legal gentlemen as a father, at least it had found in them most zealous defenders! There was this difference indeed betwixt this motion and the general course of legal proceedings, that in the one there was always presented a case, whereas at present there was merely a proposition, produced on general grounds, on public rumour, and certain undefined apprehensions which existed in the minds of those who had thought it necessary to submit the affair to the House. It had been alleged, indeed, that by adopting this measure, time would be saved; but how did it appear that, even in this view, the motion would be productive of advantage? Did it not, on the contrary, tend rather to embarrass than to facilitate the discussion, by obliging the House, in the first instance, to prosecute an inquiry, which, by the previous consideration of the general question, might be rendered unnecessary? It was absurd, then, to have two separate subjects of investigation before the House, when one of them was calculated to promote all the ends in view. The language of the motion was in fact, that it was of no consequence to ascertain the existence of a statute on the subject, for what meaning had it at all, if this was not its exact import? We know not whether any statute excluding a person who has taken priest's orders from a seat in the House really does exist; but let us first ascertain whether the person who, according to our internal conviction is ineligible, is a priest, and then we will search for precedent in support of our internal conviction! But how absurd does this mode of proceeding appear when applied to other cases! The noble lord perhaps has an internal conviction that a person who has become a bankrupt, after his election is incapable of sitting in the House. Would he in that case bring witnesses to the bar to prove the defect of his qualification? If a person who is a member of this House had received the appointment of an office abroad, would it be requisite to send persons all over Europe to prove the fact of his appointment? In a word, if any member has an internal conviction, that another member is incompetent to have a seat, would it be requisite that the House should hear evidence of the ground of this internal conviction? Yet such were the consequences resulting from the adoption of the motion in the first instance, without any previous determination. But probably it would be said, that the rumour in this case was much stronger, and that therefore the cases were by no means parallel. But it might be asked, why was the internal conviction stronger in the present instance than in any of the others, supposing the conviction ought to bear some proportion to the means of forming a judgment? The noble lord had a strong conviction that the hon. member was disqualified from sitting in the House. But might it not with more propriety be assumed, that, as no petition to the contrary had been laid on the table of the House, he had a right to sit after being returned by a certain portion of the people of England? The noble lord was therefore called on in the first instance to state that the hon. gentleman was excluded by some express branch, either of the common or statute law, and till this was done the presumption was strongly against his internal conviction. It had been said, indeed, that no other mode had been suggested amid all the various objections now offered to the present motion. The best mode seemed to him to be, the appointment of a committee to search for precedents, on which the House might pronounce an opinion, and if it should afterwards be found necessary, they might proceed to an inquiry.

Mr. *W. Dundas* said, if the mode of proceeding which the gentlemen on the other side contended for, were adopted,

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there would be no end of inquiries; because any gentleman might gratify his curiosity by proposing any abstract question whatever, and might call upon the House to decide upon it. For instance, if any gentleman had a curiosity to know whether a man of colour was entitled to sit in that House, he might, if he pleased, (upon the principles contended for) call on the House to appoint a committee to determine it. If a person were to make a motion of that kind, would not the House have a right to ask the gentleman for what purpose he called upon the House to decide the question?

Mr. *Fox* said, that the whole of what he had heard only determined him the more to persist in the opinion which he had at first expressed. The gentlemen on the other side did not seem to make a proper distinction between parole and written evidence, as they might affect the proceedings of that House. If they looked into the Journals, they would find innumerable papers called for and laid before the House upon which no inquiry was instituted. The only object in calling for these papers was, to obtain information, and after that was obtained, if it appeared sufficient to ground an inquiry, the House usually referred it to a committee, after they had determined upon the propriety of the inquiry. Mr. Fox repeated his distinction between the proceedings of a court of law, and what ought to be the proceedings of that House. No evidence, he contended, should be brought forward, before it was stated and proved what was the nature of the right contested. This he illustrated by a variety of examples; and wished that some member would suggest some more eligible mode of proceeding on the present question than that which had been adopted. It seemed to be feared that the discussion of it might be protracted to too great a length. If, however, it was more nearly inspected into, it would be found a question of much importance, and one that might lead to very serious consequences. On these grounds principally he recommended an adjournment, that the House might re-consider precedents, and examine how far they might coincide with a case where no petition was presented against the sitting member on the part of the electors. This he would have referred to a select committee, but one so chosen as not to leave room for the slightest suspicion of prejudice or partiality in its choice. As to the question itself, he had no opinion at present to deliver; but when it came to a decision, he would endeavour to show that it should not be approached with any unusual precipitancy, or any unusual negligence of the orders and proceedings of the House. It was said, that the representative of Old Sarum, when once elected, was of as much weight in the House as those of York or of Middlesex; and he was glad that this doctrine was now so seriously stated, and so calmly listened to. It might lead to an investigation of the nature of such boroughs, and this investigation might involve very important consequences. The present discussion was, therefore, of more moment than gentlemen seemed to be aware of, and as such he wished the question to be referred to a select committee. He must now, however, move that the House do adjourn.

The House divided on Mr. Fox's motion:

Tellers.

Yeas	Mr. Erskine ..... Mr. Jones	66
Noes	The Earl Temple ..... Mr. Simeon	150

So it passed in the negative. Then the main question being put, was agreed to.

Mr. Boucher, the notary register of the diocese of Salisbury, was then called in, and from his examination it appeared that Mr. John Horne, B. A. of the college of St. John, Cambridge, was ordained a priest on the 23rd of Nov. 1760. Mr. Wilson, Clerk of the chapelry of New Brentford, was next examined, and from his evidence it appeared that he had been clerk of that chapel upwards of 44 years, and that during that period, he recollected that the rev. John Horne had officiated as a priest, and had administered the sacrament of the Lord's Supper in that capacity. Mr. Clithero was then examined; and his testimony proved that he had seen the rev. John Horne administer the sacrament of the Lord's Supper, and that he paid him small tithes and other things by way of composition as ecclesiastical dues; that he supposed the rev. John Horne to be the same person who was since, and is now known by the name of John Horne Tooke. He heard he had the king's licence to take the latter name, and that he had often since been in his company. As to who ordained him, or whether he had ever been ordained, he was totally ignorant. — Earl Temple next

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moved, "That a select committee be appointed to examine the Journals of this House, and records of parliament, for precedents, respecting the eligibility of persons in Holy Orders to sit in this House; and to report the same to the House." The motion was agreed to; and a committeee appointed.

Report from the Select Committee respecting the Eligibility of Persons in Holy Orders to sit in the House.] April 2. Mr. Bragge presented the following

REPORT.

The Select Committee appointed to examine the Journals of this House, and Records of Parliament, for Precedents respecting the Eligibility of Persons in Holy Orders to sit in this House; and to report the same to the House:—have proceeded in the examination directed by the House; and have agreed upon the following Report:

In prosecuting the inquiry directed by the House, your Committee have thought it right to direct a search to be made into all the returns to writs issued for the election of members to serve in parliament, from the earliest period in which they are extant, to the present time; with a view of ascertaining, from the additions to the names in such returns, whether any of the clergy were therein included. They find, from the result of this search, that in the early periods, previous to the 8th Hen. IV, when the practice of returning citizens and burgesses by indentures annexed to the writ first prevailed, the names are generally returned without any addition whatever, except in the instance of knights, and the general addition to each return of "citizens and burgesses." Your Committee find, however, that in five instances during that period, particularly specified under the third head in the following part of this Report, the addition of "clericus" appears to the names therein contained. That from the 8th Hen. IV, the additions are more frequent and particular, containing often the addition "sadler, mercer," and the like; but none that of "clericus," except in the single instance of John Robson, who appears to be the person whose return was declared void by the House in the 18th Jac. I.

Under the uncertainty of the possible application of some of these descriptions to persons in holy orders, your Committee have thought it fit to insert all those that can possibly admit of such a construction, though fully aware that many of them are well known to be civilians only.

In the examination of the Rolls and Journals of parliament, your Committee have thought it their duty to lay before the House, such passages as came under their observation in a diligent search through the whole, as appeared to them likely to throw any light, by way of argument, as well as direct precedent, on the point in question.

They have not thought it necessary to add to their report, any statute printed by authority which might appear connected with this subject; but finding that an act of the 16th Car. I, which was repealed by an act of the 13th Car. II, is not so printed, they have subjoined a copy of it from the original roll, together with the proceedings in parliament which may be necessary to explain the object of it.

The result of the whole they have arranged under the following heads: 1. Summons of the clergy to parliament—particular instances of the mode of exercising their functions there—their privileges consequent to such attendance. 2. Taxation of the clergy. 3. All such instances as could furnish any presumption of individuals in holy orders having been returned as members of the House of Commons. Under this head, however, your Committee think it right to remark, that though they have inserted the case of sir Thomas Haxey, clerk, as having given rise to different opinions among writers upon this subject, they find, upon an examination directed by them into the returns, still perfect and extant in the Tower, of the 20th year of Rich. II, that no such name occurs amongst them—and that, as to the name of Christopher Parkins, returned as dean of Carlisle, in the 39th and 43rd Eliz., it appears by a patent in the Rolls chapel of the 38th Eliz. that the said deanry was granted to him with the following express dispensation: "And in regard that the queen had admitted him into her family, and been accustomed to employ him in weighty concerns, she dispensed with his not being in any sacred or other orders; and also granted her dispensation to him, on account of his being married to a wife then living; and likewise dispensed with his residence on the deanry." 4. Proceedings in the House of Commons relative to the "Act for disabling all Persons in Holy Orders to exercise anie Temporall Jurisdic'con or Authority;" and a copy of the act itself.

[No. 1, 2, and 3, contain Extracts from the Parliament Rolls from the reign of Edward I.]

Extracts from the Journals.

12 Octobris, 1553.—Mr. Secretary Bourne, sir R. Southwell, Mr. Tregonwell, Mr. Mershe, Mr. Story, Mr. Gosnolde, to inquire for Alex. Newell, burgess of Loo in Cornwall. prebend of Westminster, if he may be of this House; and likewise for John Forster?

Veneris 13.—It is declared by the commissioners, that Alex. Newell, being prebendary in Westminster, and thereby having voice in the Convocation-house, cannot be a member of this House; and so agreed by the House;

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and the queen's writ to be directed for another burgess in that place.

8 Die Junii, 1604.—Mr. *Tate*:—Some of this House be of the convocation: they to be enjoined to bring in a copy of the letters of authority to the convocation.

Mr. *Speaker*: Touching such of the convocation of the House as ought not to be here.

11 Aprilis, 1614.—Sir *Rich. Willyamson*:—No precedent for Mr. Attorney-general, *in hoc individuo*: so nothing against him, but he might be of the House.—Considerable, as he is a subject. Every freeman may be chosen. The words of the writ, *de probis et discretioribus*: he both these.—The precedents, to disable him, ought to be shewed on the other side—Doctor of Divinity.—The boroughs have chosen according to the writ. Precedents upon the same reason—*De rebus paribus pari ratione.*—Precedents for the serjeant, above, and solicitor, below, the attorney. Jeffreyes, 18 Eliz.—Ruled, because no voice nor any member there.

Mr. *Whitlock*:—No record that he can find, that attorney, solicitor, serjeant, master of the rolls, secretary, chancellor of the exchequer, from 26 Hen. VIII.

Onslow, solicitor: Cordell, master of the rolls.—Never any master of the rolls of the House, till Cromwell, 26 Hen. VIII, because, before, all masters of the rolls, till then, in holy orders, and so could not be of this House.

Mr. *Finch*:—None to be excepted by law, but sheriffs, in orders, and judges. The judges must be of the Upper House, for writs of error, which must be done by their direction and advice.

Mercurii, 7 Feb., 1620.—Sir George Moore reporteth, from the committee of privileges, meeting yesterday, first in the exchequer chamber, and from thence into this House: 1. All of opinion against ———, a clerk, returned; because had, or might have, a voice in the Convocation-house: therefore not fit to be admitted here: and would have fined the town but for their poverty. 2. For viscount Faulkeland, elected a knight, for Hertfordshyre, before he was a baron of Scotland.

Mr. *Hackwyll, accordant*: For the reason of not serving [here], because a voice, or attendeth, above; clerks [of] the Convocation, &c.

Sir *H. Poole*:—No Englishman, but to be either of the Upper or Lower House.—Continueth a subject of this kingdom still.

Sir *Edw. Coke*:—Cannot be silent in this.—Excellent learning to determine it *genere*. Trial here *per pares*. For nobility, not by dukes, for dukes; but by the nobility, either of the Upper or Lower House, except some few cases. A knight not to be tried by knights. Every Englishman not of Upper or Lower House.—Nowell put out, because had voice in Convocation. A banneret cannot serve here, in respect of the honour he hath at funerals, &c.

8 Feb, 1620.—Sir Geo. Moore proceedeth with his report for the third question concerning the return of ——— a minister, returned for Morpeth in Northumberland.

Sir *Edw. Coke*:—When he speaker, one put out: and that he saw Alex. Nowell (though he had not *curam animarum*) put out, because of the Convocation-house.

Upon question, resolved, his return void; and a new writ to issue, for a new election.

9 Jan., 1661.—Upon reading the petition of John Wandesford, esq.; and a certificate also being produced, touching Dr. Craddock's being in holy orders: Ordered, That the matter upon the said petition and certificate be referred to the committee of privileges, to take the same into consideration; and to examine whether Dr. Joseph Craddock be in holy orders, and so disabled to sit as a member of this House; and make report of it to this House.

17 Jan., 1661.—Serjeant Charleton reports, from the committee of privileges and elections, touching the election for the borough of Richmond in the county of Yorke, that it appeared to them, that Dr. Craddock was in holy orders; and that Mr. Wandesford had the majority of voices present at the election: and the opinion of the committee, that Dr. Craddock was uncapable of being elected a burgess for the borough; and that Mr. Wandesford was duly elected, and ought to sit as burgess for the said borough of Richmond. Resolved, that this House doth agree with the committee, that Dr. Craddock was a person uncapable to be elected, and his election void: and that Mr. Wandesford was duly elected a burgess for the said borough of Richmond, and ought to sit in this House: and that the clerk of the crown, or his deputy, do attend this House with the return; and do erase out the name of Dr. Craddock, and insert the name of Mr. Wandesford. Which was the next day done at the clerk's table.

10 Martii, 1640.—Resolved, upon the question, That the legislative and judicial power of bishops, in the House of Peers in parliament, is a great hindrance to the discharge of their spiritual function, prejudicial to the commonwealth, and fit to be taken away by bill: and that a bill be drawn to that purpose.

11 Martii, 1640.—Resolved, upon the question, That for bishops, or any other clergymen whatsoever, to be in the commissions of the peace, or to have any judicial power in the star chamber, or in any civil court, is a hindrance to their spiritual function, prejudicial to the commonwealth, and fit to be taken away by a bill; and that a bill be drawn to that purpose.

3 Martii, 1641.—Prima vice lecta est Billa, An Act to restrain Bishops, and others in Holy Orders, to intermeddle with secular affairs.

Aprilis, 1641.—Secunda vice lecta est Billa, An Act to restrain Bishops, and others in Holy Orders, from intermeddling with secular

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affairs; upon question, committed unto the committee for the act to disable clergymen to exercise any temporal or lay office or commission.

21 Aprilis, 1641.—Mr. Prideaux reports the bill, intituled, "An Act, that bishops, and others in Holy Orders, shall not intermeddle with secular affairs: and the amendments thereunto were twice read; but, by reason of the great business of the House, by former order appointed for this time, the further consideration of the said bill, and amendments, was adjourned to the next convenient time.

An act for disabling the clergy to exercise any temporal or lay office, or commission in his majesty's courts of justice within the realm of England and dominion of Wales, was this day brought from the committee; and, according to the opinion of the committee, for laying of it aside, upon the question for engrossing, it was rejected.

An act for disinabling all persons in Holy Orders to exercise anie Temporal Jurisdiction or authority.

Whereas bishopps and other persons in holie orders ought not to be intangled with secular jurisdic'con (the office of the ministery being of such greate importance that it will take up the whole man) and for that it is found by long experience that theire intermeddling with secular jurisdic'cons hath occasioned great mischiefes and scandall both to church and state. His majesty out of his religious care of the church and soules of his people is gratiously pleased that it bee enacted and by authority of this present parliament bee it enacted that no archbishopp or bishopp or other person that now is or hereafter shall bee in holy orders shall at any time after the 15th February 1641 have any seate or place suffrage or voice or use or execute any power or authority in the parliaments of this realme nor shall bee of the privy councell of his majesty his heires or successors or justice of the peace of Oyer and Terminer or Gaole delivery or execute anie temporall authority by virtue of anie commission but shall bee wholly dishabled and be encapable to have receive use or execute anie of the said offices places powers authorities and things aforesaid And bee it further enacted by the authority aforesaid that all acts from and after the said 15th day of February which shall bee done or executed by anie archbishopp or bishopp or other person whatsoever in holy orders and all and everie suffrage or voice given or delivered by them or anie of them or other thing done by them on anie of them contrarie to the purport and true meaning of this present act shall be utterly void to all intents construc'cons and purposes.

April 14. Mr. Bragge brought up a Second Report from the said Committee.

This Report was rendered necessary only by the following case in point having been omitted in the former.

Case of Mr. Rushworth.—27 Maii 1784.—A petition of John Barrington, esq. was delivered in at the table, and read; setting forth, that, at the last election of members to serve in parliament for the borough of Newport in the Isle of Wight, the petitioner, together with the hon. Hugh Seymour Conway, and Edward Rushworth, clerk, were candidates; and that the said Edward Rushworth, on or about the 16th of April 1780, was admitted into the holy order of deacon, by John lord bishop of Oxford, in the stead and by the desire of John late lord bishop of Winchester deceased, and by the said lord bishop was then ordained a deacon; and, on the same 16th of April, the said Edward Rushworth was licensed to serve the curacy of the church of Whitsbury, in the county of Wilts, within the diocese of Winchester, to which the said Edward Rushworth had been previously nominated and appointed by the rev. Henry Longdon, vicar of Whitsbury aforesaid at the yearly sum of 30*l.* for his maintenance in the same; and by virtue of such ordination, the said E. Rushworth exercised for some time the function of a clerk in holy orders, by reading prayers, and preaching, in the parish church of Newport and several other churches within the diocese of Winchester; and that the said E. Rushworth, being at the time of the said election a clerk in holy orders, was not capable of being elected to serve for the said borough of Newport in parliament; and that, previous to the commencement of the poll for the said election, the electors, assembled together, were informed that the said E. Rushworth was a clerk in deacon's orders, and not eligible to serve in parliament, and such of the electors who voted for him would throw away their votes; but that, notwithstanding such public notification of the ineligibility of the said E. Rushworth to be a member of this House, several of the electors voted for the said E. Rushworth; and Henry Trattle, the mayor and returning officer of the said borough, took on himself to receive on his poll such votes for the said E. Rushworth, and made a return of the said E. Rushworth, with the said Hugh Seymour Conway, as members to serve in this present parliament for the said borough although the petitioner was duly elected, and ought to have been returned in the place and stead of the said E. Rushworth: and therefore praying the House to take the premises into consideration; and to give him such relief as to the House shall seem meet.

Ordered, that the said petition be taken into consideration upon the 19th of August next, at three of the clock in the afternoon.

21 Die Junii, 1784.—Resolved, that this

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House will not, in this session of parliament, take into consideration any of the petitions presented to this House, complaining of an undue election or return of members to serve in parliament, which are appointed to be heard after the petition of the persons whose names are thereunto subscribed, having a right, and persons claiming a right to vote for members to serve in parliament for the city of Hereford, complaining of an undue election and return for the said city.

28 Die Januarii, 1785.—A petition of John Barrington, esq. was read; setting forth, &c. (as above) Ordered, that the said petition be taken into consideration upon the 22nd of February next.

22 Die Februarii, 1785.—The hour appointed for taking into consideration the petition of John Barrington esq. complaining of an undue election and return for the borough of Newport in the Isle of Wight being come, the House proceeded to the appointment of a select committee to try and determine the merits of the said petition. (Which committee was appointed accordingly.)

24 Die Feb. 1785.—Mr. Duncombe, from the select committee who were appointed to try and determine the merits of the petition of John Barrington, esq. complaining of an undue election and return for the borough of Newport in the Isle of Wight, informed the House, that the said select committee have determined, that Edward Rushworth, esq. is duly elected a burgess to serve in this present parliament for the borough of Newport in the Isle of Wight, and county of Southampton. And the said determination was ordered to be entered in the Journals of this House.

Debate on the Eligibility of Mr. Horne Tooke, being a Person in Holy Orders, to sit in the House.] May 4. Earl Temple moved the order of the day for the House to take into consideration the Report of the Select Committee appointed to inquire into the Eligibility of John Horne Tooke, esq. (being a person in holy orders) to a seat in that House. The minutes of the evidence taken at the bar being read over by the clerk,

Earl *Temple* rose, and said:—Mr. Speaker; in rising to lay before the House the motion with which it is my intention to close the proceedings on the important constitutional question of the eligibility of clergy to seats in the House of Commons, I trust the House will believe me, that it is my intention, as it is my wish, to take up as short a portion of its time as possible; at the same time I should very ill second the labours of your Committee, or do justice to the task I have undertaken, if I did not lay before the House, in as concise a form as I can, the most prominent of the many arguments which present themselves on the subject. I have too often enjoyed the indulgence of this House, not to bear testimony to its readiness to accord it; but I trust that the cause I plead is of sufficient importance to constitute, in some degree, a claim to that intention, to which, in any other case, I feel I should have no title.—Sir, it has been the wish of your Committee to save as much as possible the time and labour of the House, by laying before it in its Report every thing which presented itself in the records which we have examined as in any way bearing upon the point in question; and we felt this still stronger to be our duty, as the object of our research was one, which in truth, did not immediately present itself to the view of every one, and which depended, for its fair and candid discussion, on careful and minute research into materials which every one has neither the opportunity of obtaining, nor inclination to attend to if he had. Under these circumstances, we thought it became us to depart from the precise line marked out to us by the order of the House, by which we were directed to search for precedents only in the case, which, as now appear, were to be comprised in a very small compass. To the unremitted attention and constant labour of the hon. and learned gentleman (Mr. Bragge), who was good enough to take the chair of the committee, the House owes every thing which the report affords, either of immediate precedent, or of illustration of argument; and in a research which required more than ordinary abilities to direct it, and more than ordinary perseverance and habit of business to arrange and digest it, the committee was most lucky in having for its chairman a gentleman in whom all those requisites were, in a peculiar degree, to be found.

Before we look to that part of the question which more immediately presses itself upon our notice, it will be necessary, Sir, for us to examine the situation and character of our clergy in the earlier periods of our history, as connected with the history of our parliaments. I am aware that, in this research, we must not look too far back, as it would be needless to expect to receive constitutional information from times when our constitution was as yet but an infant in its cradle, or elucidation of parliamentary history from periods when parliaments, called at the

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will of the king, were composed of persons chosen under his control, and summoned for especial and particular purposes only, consisted only of those who were most likely and best calculated to answer those purposes, and attain those ends.—In the early periods of our history, down to times not very remote, the clergy formed a party the most powerful in the country. The powers which the superstition of the times gave over the minds of the people, unequal to combat so formidable an opponent, the superiority which the exclusive monopoly of learning and even of the lowest branches of literature, naturally gave over those on whom the yet cheerless and broken rays of science had not shone, were added to those advantages which ambition will always take, and press with more eagerness in proportion as the minds of those opposed to its efforts are less able to resist them. The authority of royal power shrunk under the more tremendous influence of the church; the public interests of the country, the private affairs of every family, and almost of every individual, were subject to its control, and trembled under its giant step. The sources of learning, exclusively in its power, the ignorance and servility of the people, were too often proportioned to the advantages which were to be gained by shutting those sources from them. The exclusive right which the church claimed of taxing its own body, and the broad line of distinction which it always drew between the taxes imposed on the people, and the subsidies granted by the clergy, constituted one important part of its constitution and its privileges, and a determination on the part of the clergy to persist in the maintenance of those privileges; and an inability on the part of the crown to forego those supplies, which none were so able as the clergy to give, and, in many instances, none were so unwilling to grant, constituted, probably, the first necessity of summoning to parliament three distinct estates of the kingdom; the Lords or Barons, the Commons, and the Clergy. Archbishop Wake, in his History of the Church (a book of the highest and most esteemed authority in ecclesiastical matters), states, that the privilege of being summoned to parliament was confined to the superior clergy only till the 23rd Edw. 1st. First of all, to the bishops and prelates only, then to such clergy as held lands under the crown, or to such as the king chose individually to summon. After that period (continues he), the inferior clergy, as well as the bishops and prelates, were summoned by writ to represent that estate. In the writs which Edward 1st, issued to his prelates was first inserted what is called the "præmunientes" clause. This clause directs that the bishop "should præmonish the dean and chapter of his cathedral church, the archdeacons, and all the clergy of his diocese, that they the said dean and archdeacons, in their proper persons, the chapter by one, and the clergy by two sitting proxies, sufficiently empowered by the said chapter and clergy, should by all means be present at the parliament, with him to do and consent to those things which, by the blessing of God, shall, by their common advice, happen to be ordained in the matters aforesaid, and that this they should by no means omit." Upon the receipt of this writ, the bishops issued their procuratorial letters to their clergy, in which they were directed "to make, ordain, and appoint their proctors to appear for them on their behalf in parliament, there to treat with the prelates and great men of the realm of the things to be debated in it for the good of the king and kingdom; and to consent to what should be agreed to on their behalf, and to engage themselves to abide by what their proctors should do, under the caution of all their goods." It does not, however, appear, that though thus summoned to parliament, their privileges were the same as those exercised by the Commons. In spiritual matters they generally seem to have had the sole control; in temporal matters never. Henry, in his History of England, says, that as they had only the power of consenting, but not of consulting, it is not probable they ever were considered as members of the House of Commons. Archbishop Wake states the assent of the clergy, in temporal matters, to have been of little consequence; their dissent of none. In the 3rd of Rich. 2nd, it appears, that when it was resolved to enlarge the powers of the justices of the peace, the prelates and clergy protested against the act, but their protest was of no avail; and he states the same to have happened in some instances more important to the interests of the church. The grants of the Commons were of course effectual when ratified by the Lords and by the King.

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Those of the clergy required the assent of the Lords first, though granted in the Commons House, of the Commons afterwards, and then of the King.

As the privileges of the clergy were thus in some instances abridged in parliament, in others they were more extended than those of the Commons. The clerical representatives had the power, which it is needless to say those of the Commons had not, of sending others in their places, of their own authority, when they themselves could not attend. The proctors of the clergy after a session was over, returned to their constituents the clergy, who sent them, gave an account to them of what had passed, and of what they had given their consent to; in short, establishing, beyond a shadow of doubt, this principle, that when they attended parliament, they attended as representatives of a distinct estate, and in no case of the commonalty of the realm. Sir, if any further facts were necessary to establish this principle, a reference to Dugdale's Summons will afford them. It there appears that the bishops, abbots, and priors, corresponded to the earls and barons, and were summoned in the same manner. The deans and archdeacons corresponded to the knights of the shire, and were summoned by the bishops, as the knights were by the sheriffs; and "the representatives of the clergy, called the Spiritual Commons," corresponded with the burgesses and citizens. Thus, Sir, it should appear that the clergy were represented in parliament until the reign of Hen. 6th, when they began to look upon their privilege as a burthen, and, in some degree, as a disgrace upon them. They were well aware, that the chief reason for summoning them to parliament at all was, to induce them, by the presence of the lay lords and commons, to grant their subsidies with greater liberality. Indignant at this check, and feeling they could with equal facility, and greater satisfaction to themselves, grant their money in Convocation, and knowing well that their other parliamentary privileges were only blinds to cover the real and true object in calling them to parliament, they seem from this time to have discontinued their general attendance, and to have sought every opportunity of escaping from honours they looked upon as grievous and burthensome. The right however was not given up, and in many instances was in point of fact exercised. By a reference to the records of the church of York, it appears that Proctors were chosen as far as the end of the reign of Hen. 8th; to those of the church of Norwich, that they were chosen till the reign of queen Elizabeth; of Litchfield, till the time of James 1st; and of Lincoln, as far as the year 1640.

Thus stood the representation of the clergy prior to the reign of Henry 8th. From every writer who has treated the subject, from every authority that can be collected, one fact remains clear, and cannot be disputed, that the clergy assembled as a distinct and separate body, for distinct and separate objects, but always for one main object, which our kings constantly kept in view, and followed with more or with less earnestness in proportion as the necessities of the crown were more or less pressing, the object of levying a heavier contribution on the possessions of the church, than the king, with the assistance of his lay parliament, either thought it prudent to do, or could have done, without engaging in such a dispute with the clergy as would have made the risk to be run overbalance the advantage to be gained. It should appear, however, that the powers exercised by the clergy in parliament, varied at different periods of our history. Sometimes they seem to have consulted with the lay Commons on temporal affairs, and sometimes only to have assented to them with the bishops. It appears in the 21st of Richard 2nd, that in a particular bill not necessary to be detailed here, "it is prayed by the Commons and the Lords Spiritual, and the proctors of the clergy did assent to it, upon which the king, by the assent of all the Lords and Commons, did enact it." And in the 12th of the same parliament, it is stated, that "the Lords Spiritual and Temporal, the proctors of the clergy and the Commons being severally examined, did consent to it." They sometimes appear to have had the sole control in spiritual matters, and at other times, though always contending for it, that control was contested and divided with them by the Commons. Archbishop Wake says, that the lower clergy came up to parliament but in small numbers, and were neither called over nor computed amongst the actual sitting members of it. In short their powers varied in proportion as the objects varied which were to be attained by granting them those powers; their pri-

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vileges varied in proportion as the price they were to pay for those privileges was more or less extended, in consequence of the pressure of the moment being more or less severe. In the reign of Henry 8th the powers of the clergy became still more confined. Though always summoned to parliament by the king, the clergy carefully reserved to themselves the power of summoning the Convocation. The Convocations were called together by the archbishops till the 25th Henry 8th, after which period that authority was vested in the king, by which means the sole and uncontrolled power was placed in the hands of the crown of calling the clergy together at all as a legislative or deliberative body; and in that reign the parliamentary powers of the church received a blow fatal to its interests, and completely destructive to its influence. I cannot describe this transaction better than in archbishop Wake's own words. Discussing the power of the clergy to send their proctors to parliament, he says, "How long the proctors of the clergy here in England continued to assert and enjoy this privilege I cannot tell; in Ireland they held it to the very latter end of king Henry 8th's reign, and were then divested of it, not by their own cession (as probably was the case of our proctors, who looked upon their parliamentary attendance as a burthensome imposition, and were never contented till they got rid of it), but by act of parliament, how justly I am not to inquire. King Henry 8th being resolved to cast off the pope's authority in that kingdom as he had done here in England, met with an opposition which our circumstances did not enable our clergy to give him. For their proctors having continued not only to be summoned, but to come to parliament, and claiming a right of assenting to such bills as were to pass in it, stiffly opposed whatever was to be done in derogation to the pope's jurisdiction, and insisted upon it, that, for the lack of their concurrence, no act could legally be made against it. To cut this knot, which was not easy to be untied, it was resolved at once by act of parliament to deprive them of this privilege, and, if we may depend upon the account which the act itself gives us of it, to reduce them to the state of the Convocation at that time in England. The words of the act are these; Forasmuch as at every parliament begun and holden within this land, two proctors of every diocese within the same land have been used and accustomed to be summoned and warned to be at the same parliament, which were never, by the order of the law, usage, custom, or otherwise, any number or parcel of the whole body of the parliament, nor have had of right any voice or suffrage in the same, but only to be there as counsellors and assistants to the same, and upon such things of learning as shall happen in controversy to declare their opinions, much like as the convocation within the realm of England is commonly begun and holden by the king's highness's special licence, as his majesty's judges of his said realm of England, and divers others substantial and learned men having groundedly inquired and examined the root and establishment of the same, do clearly determine; and yet, by reason of this sufferance, and by the continuance of time, and for that most commonly the said proctors have been made privy to such matters as within this land at any time have been to be enacted and published, and their advice to be desired and taken to the same, they now, of their ambitious minds and presumptions inordinately desiring to have authority, and to intermeddle with every cause or matter without any just ground or cause reasonable to the same, do temerariously presume and usurpingly take upon themselves to be parcels of the body, in manner claiming, that, without their assent, nothing can be enacted at any parliament within this land, &c. Wherefore be it enacted, ordained, and established by authority of this present parliament, that the said proctors, nor any of them so summoned or warned to any parliament begun or holden, or to be begun or holden within this land, is nor shall be any member nor parcel of the body of the same parliament, nor shall give, nor have any voice, opinion, assent, or agreement to any act, provision, or ordinance to be regarded nor enacted within this land, &c. And by the same authority, the said proctors, nor any of them, shall be accepted, reputed, deemed, or taken from the first day of this present parliament, as parcel or any member of the said parliament or any other parliament hereafter to be holden within this land, but only as counsellors and assistants to the same; any laws, usage, custom, prescription, or any other cause or matter, thing or things whatsoever, it or they be in anywise to

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the contrary, notwithstanding." Such, Sir, was the situation of the clerical power in Ireland, and such, we may fairly infer (and as archbishop Wake allows), probably was its situation in England; and from the acknowledgment by the clergy in this reign of the king's supremacy, we may date the non-existence of the clergy as a separate and distinct deliberative body, forming a separate and distinct estate of the kingdom. Here, then, terminated the influence of that giant power, which always engaged in contest with the temporal authority of the day; and enjoying advantages in the struggle, from the superstition and ignorance of the age, which its adversary could not attain, almost universally succeeded in cramping its exertions, in controlling and fettering its powers. From that moment the parliamentary powers of the church ceased, save as a right not given up, but not exercised; and the Convocation, which in former times enjoyed privileges unknown to any other class of subjects, which claimed its own powers of taxation and legislation, and at the same time sent proxies from its own body to cramp the same powers in the House of Commons, sunk from that time to the situation in which it now appears, that of being constantly summoned, as constantly meeting, enjoying all its ancient prerogatives, but never exercising them. The parliamentary powers of the clergy were scarce heard of from that period till the turbulent times of Charles 1st, when a jealousy, on the part of the ruling faction of the day, of the power of the bishops, and a desire to get rid of their authority in the House of Lords, occasioned, after many struggles, the passing an act, which being meant to strike at the powers of the bishops which were actually exercised, struck at those of the inferior clergy which were not. I allude to the act forbidding the bishops or inferior clergy to sit in parliament, or to exercise any secular employment whatever, and which is annexed to our Report. This act was repealed in the reign of Charles 2nd. In 1664, the clergy finally gave up their assumed right of self-taxation, and from that moment received a tacitly allowed privilege of voting for members of the House of Commons. "Thus," says "Hume, the Church of England made a barter of power for profit."

It will be necessary, however, to look a little to what that exclusive right of self-taxation consisted in, the manner in which it was exercised, and how far it extended, as I think I am perfectly justified in contending, that this right was one which, though always contended for by the clergy, was not always conceded by the Commons, that in point of fact it never existed as a confirmed right, and that, in repeated instances, it appears the clergy were taxed by the Commons. In the earlier days of our history, when the martial spirit of the times, aided by the party feuds which divided our country, made its history but a record of war and tumult, of intestine broils and civil contest, from which our kings were eager to draw the attention of their subjects to foreign battles, and to objects of conquests and ambition distant from their native land; when the religious enthusiasm, and spirit of chivalry, which pervaded certain periods of our annals, added the most combustible fuel to the daring and warlike spirit of our countrymen, and sent them to seek for opportunities of distinguishing their valour and celebrating their religious faith in the fields of Palestine, the parliamentary records of the times afford but a disgusting scene of oppression, and taxation, for the purpose of supplying the funds necessary for such weighty and extended expenses. The clergy, who, at the same time that they monopolized the learning of the country, enjoyed by far the greatest portion of its wealth, strenuously contended for an exemption from those burthens, and pleaded what was called the liberty of the church, to save its members from a participation in those contributions which were imposed upon the people. Under the pretence that church lands should always be taxed by churchmen only, the clergy were too apt to make the concessions they chose to grant in Convocation the means of binding our kings to their interests, to whose weakness, and determination to support the rights of the church, in contradistinction, and too often in direct hostility, to those of the people, they proportioned the sums which they chose to dole out to the necessities of the crown. Constant and repeated were the struggles which thus occurred between the Commons, jealous of the clergy, and still more so of their power and influence, which were not subject to their control; the king, afraid both of his Commons and his clergy, lest he should lose the supplies which both were to

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grant; and the clergy, indignant at the idea of the possessions of the church being touched by the profane hands of the Commons. Many instances of these struggles, as detailed in the Rolls of Parliament, we have included in our Report; but it generally appears, that, by some means or other, the point was gained and a tax was levied on the clergy, independent of that which they chose to impose upon themselves. Wherever the church possessed lands which were not assessed to the clerical contributions, the Commons exercised the right of taxing them in the same proportion with those of the laity; and whatever lands the clergy became possessed of subsequent to the act of "*Quia emptores,*" in the reign of Edward 1st, were universally made subject to the taxation of the Commons. Archbishop Wake distinctly states, that, in the times of William 1st, and the succeeding princes, the clergy were taxed in common with the laity. Edward 3rd had a remarkable struggle with them on the same point, in which he ultimately was successful; and scarcely a reign passed over, in which some attempt was not made by the clergy to constitute as an undeniable right, what the king and parliament never admitted as such, except in certain instances, when the power of the church had risen to so formidable a height as to make any attempt to resist it dangerous and unavailing. In 1664, an act was passed, fraught with greater powers than any before passed by the legislature, which taxed the benefices of the clergy; but in this act a special reservation is made of the rights of the church, not, however, affecting the tax which was levied in pursuance of the act. At length this point, always a bone of contention which both parties always struggled for, and which neither gave up, was totally conceded, and the clergy received in its place a right of voting for members of parliament, first of all only tacitly allowed, but afterwards confirmed by act of parliament. Thus, therefore, we see an unestablished and disputed claim given up for a valuable consideration, and that consideration ratified by an act of the legislature.

Having thus, Sir, considered and examined the state of the representation of the clergy, and the mode of their taxation, it becomes necessary for us to see how the real fact stands, of the clergy ever having sat in this House as members of it; and here I can boldly assert, without the fear of being contradicted, that in no period of our history, even when the ambition of the clergy flew to its greatest height, and their power had reached its most tremendous pitch, did they in any single instance claim the right of sitting in this House as representatives of the commonalty of the realm, and no example occurs of their having ever crept into this House, avowed as clergy, except in such as are recorded in your Journals, in every one of which (with the exception of Mr. Rushworth's case), the House has established the principle that clergy are ineligible, and has turned out the individuals who intruded. Sir, I repeat, that the clergy never claimed as a right the power of sitting in the House of Commons; it appears, however, that they esteemed the privilege to be of sufficient importance to form the prayer of a petition to the crown, as a matter of favour. In the reign of Elizabeth, the inferior clergy presented a petition to the queen, praying they might be allowed to sit as members of the House of Commons; and some of their reasons were so singular, that I trust I shall be permitted to read a paragraph of that petition, as a specimen of the grounds on which the clergy fancied themselves most peculiarly and singularly entitled to seats in this House. The petition sets forth, that, "in the mean time (which God in his mercy grant may be for many generations!) her majesty shall be sure of a number more in that assembly, that ever will be most ready to maintain her prerogative, and to enact whatever may make most for her highness's safety and contentment, as the men that next under God's goodness do most depend upon her princely clemency and protection. It would much recover the ancient estimation and authority of that assembly, if it might be increased with men of religion, learning, and discretion, which now is somewhat imbased by youths, servingmen and outlaws, that injuriously are crept into the honourable House. And it is the more necessary that there were some more men of sobriety and judgment in that meeting, that might counterpoise the haste and headiness of others that have intruded themselves, especially considering that a cypher is as sufficient to promote a single figure of one into the place of ten, as the best man that giveth voice in that House, when they come to calculating." Such, Sir, were the reasons

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assigned by the clergy in their own petition for their admittance into this House. The reverend gentleman in my eye is himself the best judge whether they were his reasons for coming into parliament; whether, when he offered himself to the choice of the electors of Old Sarum, he founded his claim to their confidence on a determination to support the prerogative of the crown, in contradistinction to the liberties of the people, and in despite of every opposition; or whether he has favoured us with his presence for the laudable purpose of "recovering the ancient estimation and authority of this assembly;" or, in the singular mode of calculating adopted by his brethren, to shew how "a cypher is as sufficient to promote a single figure of one into the place of ten, as the best man that giveth voice in that House." Be this as it may, such were the ideas and such was the petition of the clergy in the reign of Elizabeth. Notwithstanding the strong temptation which was thus held out to her of having so powerful a body in the House of Commons pledged to her interests, and to answer her views, she had the good sense and the constitutional feeling to reject the offer. In the reign of James 1st. the same petition, with very little alteration, was again presented, and again refused. Surely, Sir, it should not appear that the clergy conceived their right of sitting in the House of Commons as very clearly and undeniably laid down, when they conceived it necessary, in two reigns, to petition that they might receive as a boon, what we are now to be told they may claim as a right.

I may, perhaps, be told, Sir, that, as in the reign of Charles 1st. an act was passed to disqualify the clergy from sitting in parliament, they must have enjoyed that right prior to the act, else it could not have been taken from them; and that as that act was afterwards repealed, all the privileges which had been taken from them by the enaction were restored to them by the repeal. In the first place, Sir, by turning to the previous parliamentary proceedings, it clearly appears, that the intention of the legislature was, to destroy the powers of the bishops; and to attain that end with any appearance of candour, it was necessary also to destroy those of the inferior clergy; however, I am very willing to allow that the repeal of the act in question restored them to the situation in which they stood before; but what was that situation? Certainly not that of being able to sit in the House of Commons, as, in the very reign preceding that in which the act was passed, they petitioned the crown to have that very privilege conceded to them as a favour. Besides, Sir, how comes it, that if by the repeal of the act of Charles 1st. the power of sitting in the House of Commons was restored to the clergy, and consequently confirmed much stronger than before the passing the act, because confirmed by statute, the clergy have never from that time to this, in one single solitary instance, enforced that claim, or acted upon that acknowledgment? How comes it, that a body so powerful as the clergy, who never were very backward in asserting any privilege to which they conceived they had a claim, never thought it necessary to assert that of sitting in the House of Commons?—a reasonable object of ambition to any set of men, and more peculiarly important to the church. The reason, Sir, is plain, and the reply is obvious. They knew that no such right existed; that any argument which might be used in favour of its existence could only be built on loose and idle theory; and that those in favour of its non-existence were founded on the practice of the constitution, and the usage of parliament. Upon the face of our report, Sir, five instances occur where the word "clericus" appears attached to names of persons returned to parliament. If there is one fact better established than another, it is, that in the earlier periods of our history, in which these returns occur, the word "clericus" was not the distinguishing appellation of the clergy. Every lawyer, every man of learning was called clericus. In all the old grants of the Commons, the collectors of the taxes are directed to choose a clericus to assist them, who in no case was supposed to have been a man in holy orders. I am willing to admit, that the word clericus was attached to the sacred functions; but as it also designated other descriptions of persons, it is hardly fair to argue that, because the word clericus appears attached to a name, it should clearly follow that the man must have been in holy orders. One of the persons so designated appears returned to one parliament as "clericus," and to another without that addition—a strong presumptive proof, in my mind, that he at least was not a man of the church. Sir Thomas Haxey's case has hitherto been always

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quoted by every writer on the subject, as the case of a clergyman sitting in the House of Commons. That sir Thomas Haxey was a clergyman is not to be disputed; but it always appeared to me, that, upon the face of the Rolls of Parliament, in which his case is detailed, there is sufficient internal evidence to afford a very strong doubt whether he was in parliament. As the best evidence, however, that the case will admit of ought to be produced, I shall not trouble the House with any discussion on that point, as very luckily the fact is determined beyond dispute without its aid. The returns to the parliament, in which his case appears, are complete and extant in the Tower; they have been carefully searched for the purpose, and the name of Thomas Haxey does not appear. The case of Christopher Perkins appears at first blush an extraordinary one, and to afford a strong precedent in point of the clergy having sat in parliament. He was dean of Carlisle; it appears, however, from our Report, that he received that deanery under a dispensation, and that he in fact was not in holy orders. It may at first appear singular that a layman should in any case be in possession of church preferment; it is, however, far from being unprecedented in our history. In 1547 several instances similar to this occur.

The earl of Hartford either actually possessed, or was promised no less than six prebendaries; the lord Cromwell had been dean of Wells; even at the moment I am speaking an instance precisely parallel exists. The professor of civil law in Oxford (Dr. Laurence), whom we know to be a layman, and to have a seat in this House, is *ex officio* prebend of Salisbury, enjoying all the privileges attached to that situation; and amongst others one which, no doubt to the mortification of the people of Salisbury, I believe he does not exercise, that of preaching in the cathedral.

We now, Sir, come to the most material part of our Report, and of the whole case; and we are now to see how the precedents stand upon your Journals, of determinations of the House, where the question of the eligibility of the clergy has been submitted to its decision. The first that appears is in the case of Dr. Newell, prebend of Westminster, and chosen burgess of Loo in 1553. Commissioners are appointed to inquire "if he may be of this House?" They declare, "that Alexander Newell, being prebend of Westminster, and thereby having voice in the Convocation House, cannot be a member of this House." The House agrees, and a new writ issues. The next is the case of John Robson, a clerk, returned for Morpeth in 1620. The committee of privileges declare him ineligible, "because he had, or might have, a voice in the Convocation House;" therefore, say the Journals, "not fit to be admitted here, and would have fined the town but for their poverty." Sir Edward Coke, in the debate on this question, observed, that when he was Speaker, a clergyman was (to use his words) put out. The next precedent is the case of Dr. Cradock, in 1661; and here, whatever doubts may have appeared on the mind of any gentleman as to the other precedents, the fact is clearly and broadly established by the House, that men in holy orders could not sit in it. Dr. Cradock, the sitting member, is petitioned against by Mr. Wandesford, and a committee is appointed to examine "whether Dr. Joseph Cradock be in holy orders, and so disabled to sit." Serjeant Charlton reports to the House, from the committee, that it appeared to them "that Dr. Cradock was in holy orders, and that Mr. Wandesford had the majority of votes present at the election; and the opinion of the committee, that Dr. Cradock was incapable of being elected a burgess for the borough of Richmond, and that Mr. Wandesford was duly elected." Thus the committee drew, most properly, the broad line of distinction which undoubtedly exists between a question of *eligibility* and one of *election;* between whether or no a man is capable of sitting, and whether he is duly elected; and they report on the two cases submitted to their decision. As Dr. Cradock was in holy orders, they declared him "incapable of being elected;" and, as Mr. Wandesford had the majority of votes, they declared the latter duly elected. The last case on your Journals is that of Mr. Rushworth; and here I beg the House will pause one moment. A gentleman not professing to be in holy orders, but, like the reverend gentleman opposite to me, appearing in a lay habit, and assuming lay functions, is elected for the borough of Newport, and takes his seat unnoticed and unknown. He is petitioned against, on the ground of his being in deacon's orders, and a committee is ap-

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pointed to consider that petition. The report of that committee is, "that the sitting member is duly elected." Now, Sir, I contend that this is no precedent for us. The report is supported by no statement of Mr. Rushworth's being in holy orders; no principle is laid down, no reason is assigned, no record of parliament is before us, by which we can direct our judgment; and all we know, and all we can strictly know is, that Edward Rushworth, esq., is duly elected. But though we have no parliamentary record to direct us, we have an authority to which we cannot refer as evidence, but to which we can as matter of argument; I mean Luder's Reports, in which the case is detailed; and there it appears, that the learned counsel for Mr. Rushworth rested the strength of his case on the supposed distinction between the office of a priest and deacon; that he implored the committee to consider that this was not a question of a priest's sitting in parliament, as that was a complete, distinct, and separate case; that Mr. Rushworth was only in deacon's orders, and they were to determine whether or no a deacon could sit. It is not for us to inquire whether that distinction was or was not a proper one; the fact is, that the distinction was made, and on that distinction the committee formed their opinion. At best it is but the opinion of individuals, who, however respectable they might be, were liable to error; whose opinion may be reversed by one committee to-morrow, which again may be overturned by another the next day, and certainly is not sufficient, naked, unsupported, and alone, to counterbalance every precedent upon your Journals, and the decided testimony of your parliamentary history. I forgot to observe that, in our Report, some instances occur of persons being returned to represent the university of Oxford, who would at first appear to have been in holy orders. To ascertain the fact I have made the most diligent inquiry; and I can, without difficulty, assure the House, that every individual to which I have alluded was a layman.

I have now, Sir, gone through every precedent that appears upon your Journals, or in your Records. I may be told other clergy have actually sat in this House. The fact may be so, yet it does not alter my case. It is a very old and a very true law adage, that "no blot is a blot till it is hit." Peers, minors, aliens, clearly ineligible, may have sat, and may at this moment be sitting in this House; but before you can establish a principle, you must first establish the fact on which your principle rests; and it would, indeed, be a singular assumption, that the casual and unnoticed departure from a law, should consequently occasion a repeal of it; and all I contend for is, that in every instance, without one solitary exception, where the House has noticed a priest within its walls, the individual so noticed has been expelled, and the principle laid down of the ineligibility of the clergy. Sir, that principle has not only been laid down by the House, but by the best lawyers and authorities we have. Mr. Justice Blackstone asserts, that aliens born, minors, the twelve judges, and clergy, are by the common law of the land ineligible. Sir Edward Coke, in his Fourth Institute, says that none of the clergy, even of the lowest order are eligible; and better authorities than these in questions of common law will not, I believe, be produced. Moore in his Reports states, that, in a conference held between the Lords and Commons, I believe in Henry the 8th's time, it was laid down that clergy were not eligible to parliament, nor laymen to Convocation. Sheriffs (though allowed to sit, except for such counties for which they were sheriffs), were deemed ineligible when in holy orders. The master of the rolls never sat in the House till in later days, because, till in later days the master of the rolls was in holy orders. But, Sir, I may be told, that the true principle on which these decisions were grounded was, that the clergy were represented in Convocation, that the Convocation is now done away, consequently their representation has ceased. Sir, I deny the fact. The Convocation still exists, its privileges remain unimpaired, its power the same. Let me not be told that those privileges are not exerted, that that power is not exercised. Sir, in deciding a constitutional question, we are not to confine our attention only to the time in which we are deliberating, we are to look to the effect our decision will have on those who are to come after us; we are to consider what may be the consequences of it, and to what those consequences may lead; and surely I shall scarcely hear it gravely argued, that the non-exercise of privileges proves the non-existence of them. I thank God, Sir, we live in times when the tempers, the minds, and the principles of religious men are

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not calculated to disturb our peace, or awaken our apprehensions: we live in times when the clergy feel how much it depends upon them to promote the well-being and the political salvation of the state; when they feel that to the sanctity of their manners, the purity of their morals, and the inoffensive tenor of their lives, they owe that love and that veneration which is so much their due, but which the craft of ambitious priesthood, and the pride of Wolsey, with all the advantages of unlimited power and uncontrolled influence, never could obtain for them. From men acting upon these principles we have nothing to fear; but we are to pause a little, we are to recollect what changes may happen, what revolutions may take place in our religious and political system, before we blindly admit another estate into our House of Commons. Sir, the beauty of our parliamentary constitution is, that the representation of the people is as equal as the circumstances of the times, and the political state of our country will permit: admit the clergy into the House, and what becomes of that boasted equality? For God's sake, Sir, let the House consider well what will be the consequences of such an innovation. Every one knows the preponderating influence of the clergy in this country. God knows I do not grudge it to them; they gain it by the worthiest means, they enjoy it for the most beneficial purposes; but though I do not grudge it to them as clergy, I should, indeed, grudge it to them as members of this House. The moment you give admission to that weight of influence in the House of Commons, half your members will be in holy orders; you will allow a powerful body of men double the privilege you allow any other class of the community, you will allow them to reserve the power, which still remains to them of taxing themselves in Convocation, and to exercise that of taxing you in parliament; you will give them a double representation, and in addition to every privilege which the laws of the land give to clergy, in addition to every exemption which, as clergy, they enjoy, you will give them every privilege attending the character of members of this House; you will create a class of men enjoying double privileges, and liable to only part of the burthens of their fellow subjects; and, above all, you will create in this House a party of power and influence, which, if taken advantage of, and worked upon by wicked and malicious minds, may lead to consequences we are little aware of, to which we dare not look, to the overturn of every thing that is valuable in our constitution. I may be accused of overcolouring this picture: I trust, I believe I do; but in deciding upon a question so important to our constitution, it is necessary to look to what is possible, not to what is probable—to what may be the ultimate effects of our decision, not to the immediate consequences of it. We owe a duty to our constituents, but we also owe one equally responsible to our posterity; and we are not blindly to give into measures which may be hurtful to them, because the bad effects of them may not immediately come under our eyes. I conjure you to pause well before you pervert a calling which was meant to be the safeguard of the religion of the country, and make it the instrument of its party prejudices, before, by one vote, you undo all your forefathers have done, all their wisdom has planned; before you overturn at one sweep the constitution of parliament. And the calling of the priesthood before you allow priests to desert their pulpits, to search for fame on the benches of the House of Commons, and force them to leave the plain and beaten road of religion, to wander in the crooked and uneven paths of politics; and finally, before you sink the sanctity of the clerical character in the chicanery of private prejudice, of party, and of faction. Sir, no man respects the character of the clergy more than I do; but while I have a voice in this House, I never will allow them to be members of it. Sir, I may be told that all have a right to be represented, and consequently the clergy enjoy that right in common with others. They do so; they enjoy the same share of representation with every other class of their fellow subjects. They have the power of voting for their representatives here, they are represented in Convocation, and they are represented in the House of Lords: to obtain this power, they gave up their claim of self-taxation; and the moment you admit them into this House, you give them a double remuneration, and place them upon higher ground than any other class of the community. I have often heard it argued, and possibly may hear it again, that it would be absurd to permit the bishops to sit in the House of Lords, and exclude the clergy from the House of

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Commons. The cases are not parallel, because the duties of the two classes of the clergy are totally different. The bishops sit in the House of Lords, not in their clerical capacities, but as barons, and in their appointments they are invested with two distinct duties, both of which they are equally bound to fulfil; their duty as churchmen, and their duty as peers: they are not seated in the House of Peers by the election of the people; their functions as peers cannot be separated from their functions as bishops, and in neglecting the former of those duties, they would as much neglect the duties of their profession, as I contend the inferior clergy would theirs by coming to parliament.

But, Sir, I may be told all these arguments tend equally to exclude the clergy from enjoying any secular employment, and especially that of justice of the peace. Sir, all that I contend for is, that they should not exercise such employments as interfere with their several functions; and I think nobody will gravely argue, that the office of justice of the peace can possibly have that effect. To whom can the poor man apply for relief with more propriety than to the clergyman of his parish? to whom can the petty divisions and disputes of the country be referred more safely than to those whose calling it peculiarly is to preserve peace and promote good order? To whom can the justice of the country be better entrusted than to gentlemen, who, from their situation, and the liberality of the education they necessarily must receive, are most interested in having that justice duly administered, and are least likely to be influenced by paltry prejudices or improper motives in administering it? In short, Sir, I desire I may be told what single iota of the duty of a clergyman can be broken in upon by the office of justice of the peace, before I hear it used as a species of negative argument for allowing the clergy a privilege with which no single part of their calling is compatible.—I am aware, Sir, that many of these arguments apply to the beneficed clergy only, and I shall be told that the unbeneficed clergy have no duties to fulfil, consequently they have none to relinquish. In the first place, Sir, if you once allow the point to be established that clergy in any shape are eligible, I know not where you are to stop, and I know not by what precedent, law common or statute, you can lay down the rule, that where an unbeneficed clergyman can enter, a clergyman with a benefice cannot follow him; but, Sir, it will become the House to recollect, how very large a portion of the church preferment is in the hands of the minister of the day; and if once the rule is established, that an unbeneficed clergy can come into the House, how easy the means will be by which those members may obtain preferment, and afterwards defy you to deprive them of their seats.

Having thus far, Sir, proceeded in my argument, I feel it necessary to advert to one which I know will be urged, and on which it should appear that the reverend gentleman means to rest his principal dependence. He will probably tell us that he is no longer a clergyman, for he has divested himself of his orders. Sir, this is a question on which so much depends, which involves points of so great importance, that it ought not to be carelessly passed over. In the first place, Sir, I defy the rev. gentleman to produce a single authority, in any law written or received, in any author on the subject, or in any part of the history of the church, where the fact is established that in any case clergy can divest themselves of holy orders when once they have assumed them. By the 76th canon of 1603, it is expressly ordained that no minister, either priest or deacon shall voluntarily relinquish his orders, or "use himself as a layman," under pain of excommunication. Let me not be told that the canon is waste paper; it is no such thing. I know perfectly well the canons are not binding upon the laity; but our ablest lawyers have laid it down that they are binding upon the clergy. Salkeld expressly states, that "the king's consent to a canon *in re ecclesiasticâ* makes it a law to bind the clergy;" and this is quoted and confirmed by lord Hardwicke, and again confirmed in some other cases, with which it is not necessary to trouble the House. If a man is admitted to a situation, and to certain privileges and immunities, on condition of adhering to certain laws and regulations, he cannot arrive to other situations, and enjoy other privileges, by an illegal act, by breaking through those regulations which he had engaged to abide by. But, Sir, in no case is there a form of resignation of holy orders laid down or provided for: I know there is of a resignation of a benefice, but even that is nugatory, without the leave and assent of the bishop.

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The resignation of holy orders was in no case provided for, because in no case was it conceived to be possible. But, Sir, it may be contended, that a person undergoing the penalty of excommunication, as ordained by the canon, has been punished for his offence, and cannot, consequently, be punished a second time; that he is an excommunicated layman, but an excommunicated layman is not ineligible to parliament. Sir, the argument is a plausible, but a very absurd one. The canons are not binding upon laymen; if, therefore, a man, by throwing off his gown, becomes a layman, the canon in question would indeed be waste paper, because it could not touch him, as he would be out of its controul, and the penalty, consequently, could not be inflicted. The real fact is, that the punishment is held out against the clergyman "using himself as a layman," not making himself a layman, against the clergyman misconducting himself; but by that misconduct he is not less a clergyman than he was before. The spiritual court may suspend a clergyman from officiating for an unlimited time, but cannot divest him of his character. If, therefore, the jurisdiction of the calling cannot divest a man of his orders, it is absurd to argue that he can do it of his own authority, and at his own pleasure.

But, Sir, an argument, in my mind perfectly unanswerable, why a clergyman cannot relinquish his calling, is, that no man can divest himself of a privilege to his own benefit. He cannot enjoy the privileges of two situations at once; and, however the rev. gentleman may persuade himself, and try to persuade us, that he has given up his profession to-day, if any person was to present him with a living to-morrow, he would not require any fresh ordination to enable him to accept it; how, then, can he say that he has divested himself of his orders, when one day, when it suits his convenience, he can exercise all the functions of a clerical character, and the next day enjoy all the freedom of a layman? Sir, the rev. gentleman himself pleaded, the other day, to an indictment in which he was described to be in holy orders. I do not blame him for it; he did it in order that he might take advantage of those privileges which the law, in certain cases, grants to the clergy, and he did right; but it is rather too much to hear the same person gravely assume the privileges of two characters, as his fancy, his ambition, or his interest may prompt him. Sir, I have once heard the rev. gentleman in this House attempt to parry this argument by applying, or at least attempting to apply to it, the idle adage of "once a captain and always a captain." I trust I shall not hear it repeated; the subject is rather too serious, and involves questions too material to future happiness, as well as temporal welfare, to be made the subject of laughter and of ribaldry. For God's sake, let the rev. gentleman recollect (I trust he does, I wish he had done so before) the solemn manner in which he declared himself at the altar, when he presented himself to be ordained, called upon to undertake the duties of his holy orders, in which he made the sacrifice of his life to God, for the purpose of fulfilling them; for God's sake, let him recall to his recollection the awe-inspiring words with which the bishop invested him with that sacred character, which he is now so eager to throw off, "Whose sins thou dost remit, be they remitted; whose sins thou dost retain, be they retained; in the name of God the Father, God the Son, and God the Holy Ghost!" Let him recollect this, and let him pause a little before he again talk of "getting rid by quarantine of the infection of priesthood." Sir, it has appeared in evidence at your bar, that the rev. gentleman has administered the sacrament. Let him recollect the solemn office he performed, and the charge he exercised; and let him tremble when he talks of getting rid, by quarantine, of the infection of duties which he assumed at the altar of his God. The solemn office of priesthood is not to be put on and taken off with one's clothes. It is not "the inky cloak," the "customary suit of solemn black, the tristful 'haviour of the visage," which constitute the man of God; it is "that within which passess show." It is the inward call, the sacrifice of every object to the performance of its sacred duties; above all, it is the example which is set, of *following* its precepts, and abiding by its principles, which are not to be sacrificed at the altar of ambition, of party, or of faction, which constitute that holy function which, when once assumed, never can be thrown off, but continues even unto death.

I feel how much too long I have taken up the time of the House, and I have done. From the evidence which has been taken at your bar, it appears, beyond the possibility of doubt, that the gentleman who has lately taken his seat amongst us,

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has been ordained to priest's orders, and has officiated in that capacity. I have attempted to show, that in the whole course of our history, from the time of Edward 1st to the present moment, the clergy have never been acknowledged by this House, or by the constitution of the realm, as representatives of the commonalty of Great Britain; they were summoned to parliament as proxies only, representing their own body, and constituting a perfect, distinct, and separate estate of the kingdom; and I have not yet heard that the rev. gentleman claims his seat as a proxy of the clergy. I have endeavoured to prove, from reference to our history, and to that of the church, that, at different periods, the clergy were taxed by the Commons of the realm, and that at all times they were so to a certain extent. I have shown, that in every instance upon your Journals, save one (and that I contend to be no precedent in point) where the House has taken notice of the fact of a clergyman having obtained a seat within its walls, the return has been declared void; and the principle broadly established, that the clergy were not eligible to the Commons House of Parliament. I have shown, that the uncertain and disputed right of self-taxation, which the clergy gave up in 1664, was fully and amply made up to them, by giving them, in its place, the right of voting for those whom they chose should represent them in parliament. I therefore contend that "the table is full;" that the representation of the whole body of the people is complete; that, as a clergyman, the member for Old Sarum cannot come amongst us; neither can he as a layman, because a layman he cannot be. I have brought this question forward from a sense of duty: I trust I have conducted the discussion with moderation. On the vote of this night will depend, not the seat of the rev. gentleman, for that, comparatively, is of little consequence; but whether that constitution of parliament, which has stood the test, and received the sanction, of so many centuries, is to be overturned, in favour of any set of men, however respectable they may be, and however, in their respective situations, they may be valuable to the preservation and existence of civil society: in the hands of the House I now leave the cause: it involves their own existence, and I rest confident that it will be discussed with candour and with moderation, and decided with justice and impartiality. I now, Sir, humbly move, "That Mr. Speaker do issue his warrant to the clerk of the crown in Great Britain, to make out a new writ for the election of a Burgess to serve in this present parliament for the borough of Old Sarum in the county of Wilts, in the room of the reverend John Horne Tooke, who, being at the time of his election in priest's orders, was, and is incapable of sitting in this House."

Mr. Chancellor *Addington* said, it would have been a satisfaction to him, if the noble lord, instead of bringing forward the question in its present shape, had solicited the House to form an opinion on the abstract question of the eligibility of persons in holy orders to a seat in the House of Commons; and, if the House had formed an opinion that such a person was ineligible, then the course to be pursued would be plain; but, finding the question as it was, to one part of the proposition he was ready to accede, but he dissented from the other. The subject was of extreme importance, and the noble lord had bestowed upon it much attention, and had displayed uncommon ability in its discussion. With respect to the latter part of the motion, namely, that the reverend gentleman, at the time of his election, being in priest's orders, was incapable of sitting in the House, he owned he felt a difficulty, not with respect to the principle of that proposition, but upon the form of the proposition. In going to ancient times, when the whole legislative body of the country sat together, we should find that they were composed of magnates, proceres, clerici, and optimates; it was thus that the whole body of parliament was once composed, of which the clergy formed an integral part; but afterwards the magnates separated from the optimates, and then the clergy separated from both, and constituted a house of Convocation. So low down as the time of Henry 8th, the clergy sat in parliament, but did not vote in cases in which the laity were concerned; but it was to his mind evident, that persons in holy orders never sat in the House of Commons as individual members of parliament, but as part of the clergy, the procuratores clerici. The noble lord had referred to a petion which was presented on behalf of the clergy to queen Elizabeth; there were also petitions presented to Edward 6th. and to James 1st. Now, the

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ground on which it appeared to him that the clergy never did sit in parliament otherwise than as he had stated, he need not dwell upon, because it was minutely detailed in the Report of the committee. There were four prominent points in the report: the case of the prebend of Westminster, of Mr. Robson, of Dr. Craddock, and of Mr. Rushworth; by all which instances the competency of persons in holy orders to sit in that House was denied. He then took notice of the law as laid down by lord Coke, supported as it was by the highest constitutional authorities known to this country, down to the days of Blackstone; by all which it appeared, that persons in holy orders were not eligible to a seat in the House of Commons. A considerable point, however, for the House to consider was this: in the year 1664, an important change took place with regard to the clergy, for they ceased to tax themselves, and the House taxed them as well as the laity. It should be recollected, that the clergy were exempted in ancient times from taxes only in reference to certain spiritual matters, although they had at this day no exemption whatever in taxation: and when the change took place, it was not precisely as the noble lord had stated; for, although the clergy had taxed themselves previous to that period, yet, when they did so, their power, even upon that subject, was not complete; for their rules and orders were not efficacious until they had received the sanction of parliament; and therefore the clergy could not, strictly speaking, be said to tax themselves. The question, then, came to this, Whether, when the ground of the exclusion of the clergy had been taken away, the exclusion was gone with it? In looking down from the period of 1664, there occurred no instance in which the legislature had recognised the clergy as sitting in that House; and he thought, if the principle were admitted that the clergy were eligible to seats in that House, it might diminish the purity, and impair the independence of the House. For it should be remembered, that a great part of the benefices of the clergy were the immediate gift of the crown, and therefore a fit object of the jealousy of that House, a great part also from the nobility, which was also a fit object of the jealousy of that House. One-third of the livings of the clergy were disposeable at the will of the crown, and this of itself was an objection of great weight; and it had always been the policy of the House to oppose a principle of this kind, because whatever tended to introduce into the House influence from the crown, or the nobility, must tend to degrade the House, by the diminution of its independence. It was therefore inconsistent for the House to allow such a principle to be established now, if such a principle had never yet been admitted, and it certainly had not. It did not appear, either in the votes of the House, or in any accounts we had of the debates, since the year 1664, when the attention of the House had been called to the subject, that a person in holy orders was ever declared capable of sitting in that House—no person had been returned of the description of one in holy orders. The books in the possession of the clerks contained no such precedent: no one had ever appeared in that House in the dress, or with those appendages which belonged to that character: there was no instance in which the electors had given their suffrages to a person so calling himself: he therefore was entitled to say, that there was no instance in which the House itself had declared the eligibility, nor any in which the electors had given their franchises to a person in holy orders, stating himself to them to be such: they had been returned, and had sat in other characters. He therefore must contend, that a person in holy orders was not eligible to a seat in that House.—The difficulty, then, which he felt, was not on the eligibility of clergymen sitting in the House of Commons, for he was convinced they were not eligible, but upon another point, which he would presently explain. He conceived it to be a fundamental principle to prevent the clergy, as much as possible, from interfering in temporal concerns, except when called on in a special manner. There were instances, indeed, where the king had been pleased to appoint persons of the clerical function, in some cases, judges—in others, ambassadors; but in the ordinary course of things, if they were appointed to secular offices, they were relieved from the burthen of the duties of them; of which there was a striking instance of a gentleman at Romney Marsh. But the difficulty which he had hinted at was this: Whether, under the present circumstances, the House could, consistently with certain parliamentary provisions now in force, order a new writ to be issued for another

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member, in the place of a gentleman being in holy orders. He took it as admitted, that the hon. gentleman was proved to be in holy orders. There was no principle clearer than this, that the House had divested itself of all discretion in trying the merits of a contested election; that was the great object of Mr. Grenville's bill. There were, indeed, some cases on which the House had retained its power from the necessity of things. Where a petition was presented against a person who offended a positive rule of law in becoming a member of parliament, he might be voted out of the House upon proof of the fact; such, for instance, as that of a person having a contract, or being a minor, or an alien; in such cases, nothing was necessary but to prove the fact, and the House ordered the new writ to be issued immediately; because, there being no other mode, a new writ must necessarily issue. But the difficulty with him was owing to the great respect he had for the authority of those who entertained doubts on the question now before the House, as to the eligibility of persons in holy orders to seats in that House. The case was not doubtful in his own mind, but it was doubtful in the minds of those whose opinions he was bound to consider of high authority, and whose opinions were upon record in a recent decision. The case of Mr. Rushworth was this: he being in deacon's orders, was petitioned against as incapable of sitting in that House; and he was declared duly elected, and was described as Edward Rushworth, esq. The House declared Mr. Rushworth, being a deacon, was capable of sitting in the House. A distinction had been taken between the state of a deacon and that of a priest; but he was convinced, there was no such distinction in reality: the clerical character, he was persuaded, was the same in both. The case in this respect was not at all doubtful in his own mind; but it was so in the minds of others, to whose sentiments he was bound to pay respect. The difficulty he had then was this: a policy had been now for some years adopted, from which he could not advise the House to depart; he meant the enactment of Mr. Grenville's bill; to that were contested elections referred in general. Within a few years a question had occurred, Whether a person who held the office of secretary of state was a member of that House: Mr. Burke's bill aided those who were concerned in the disposal of that point; and, indeed, the true question in that case was, who was to be called the third secretary of state. So the other day a doubt had been started, respecting the eligibility of his noble friend (lord Hawkesbury). It was a point on which considerable doubts had been entertained, and his noble friend took a course which set that question at rest. He therefore should wish that the question now before the House should not be adopted, because it seemed to call upon it to encroach upon the provision of Mr. Grenville's bill. He knew there was a disposition to exclude every thing that was very inconvenient. The *argumentum ab inconvenienti* had been pushed too far, and it might be made to go so far as to do away a great deal of the good sense of many of the laws by which we were governed. There were points, however, on which the inconvenience was an answer to a proposition, although it was liable to no other objection. Suppose the House were to agree to the motion of the noble lord, what would be the practical effect of it? Was there any thing binding on those who had elected the hon. gentleman not to return him again? Could they, by any vote like that proposed by the noble lord, be precluded from returning him again? If he was again returned, and a petition were to be presented against him, that petition must, under the authority of Mr. Grenville's bill, be referred to a committee, which committee, he hoped, would not differ from the House; yet, without any contumacy, they might differ from the resolution of the House, supposing the House to form one, acccording to the tenor of the motion now before it; and that, of itself, would create much embarrassment. If no petition was presented, the case would come again in the shape it now stood in, and so be perpetually, unless the legislature were to apply a remedy to remove the whole of the evil at once. His wish was, to save the House the disgrace into which it would be thrown by such a course. He looked at the inexpediency of allowing persons in holy orders to sit in that House; and, to obviate the whole of it, a bill, in his opinion, should be prepared for that purpose; and, he verily believed, if such a bill was brought forward, there was no measure on the general principle of which there was more agreement of opinion, although perhaps there might be some difficulty in the detail.

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He had no difficulty in saying, that a person in holy orders was not eligible to a seat in that House; that the clerical character was indelible; and that the canon of 1603, built on another a little while preceding was one of sufficient authority to be binding on the opinion of that House, and to be of the best authority. That canon had declared, that no person in holy orders could interfere in temporal affairs, under the penalty of excommunication. He would, indeed, remain a deacon or a priest as before; but it would be a great deal too much to say, that he could thereby so divest himself of the clerical character, as to be entitled to take up other privileges which that character was not entitled to. Could any body say, that if such a person was presented with any church preferment, he would not take it. Certainly he could not, and he wished it to be impressed upon the House, that the character obtained by holy orders was indelible. He must, however, observe, those who might be of opinion that a new writ ought to issue, might also be of opinion that an act of parliament would be necessary to set the question at rest; and it was desirable to put an end to the agitation of the subject altogether, and that the legislature should bind posterity, as well as the present generation, by one clear enactment in this particular, and allow to the House more of that discretion which must always be attended by uncertainty. Those who thought that the ineligibility was incontestible, and ought to be so on principle, if it were not so on precedent, for the support of the independence of the House, as well as to preserve the spirit of Mr. Grenville's bill, must also desire that an act should pass for the purpose of preventing this case from occurring again; for he had no difficulty in saying it was a case that was contrary to the *lex et consuetudo parliamenti.* Why, then, all those who did not wish to see persons in holy orders coming into that House, must wish to see a bill brought into parliament. Thinking this a case of magnitude, and thinking it essential to the House and to the public to have it settled, he was ready to move for leave to bring in a bill to remove doubts upon the eligibility of persons in holy orders taking seats in that House, unless some other member better qualified should undertake the task; but if the House should vote differently from what he hoped it would, he should vary the title of the bill which he should move for leave to bring in. If the proposition before the House was merely to declare that a person in holy orders was ineligible to a seat in that House, he should have supported the affirmative; the whole of the present proposition, however, he could not support. To put the House in the way of getting at the ulterior object, and, as he conceived, the general wish of the House, he would move, "That the order of the day be read."

Mr. *Horne Tooke* said:—I rise, *Sir,* on this occasion with the greatest reluctance. In the course of a long, and not an idle life, I have been engaged in many important struggles; but scarcely ever was I individually concerned. I fought with the enemies of law, of liberty, and of truth. It was of importance for me to succeed, but my failure was not of more consequence to my myself than to the rest of mankind. The subjects in dispute were common as the elements air and water. Now, I am engaged in a personal struggle. This, however, is not exactly the first time that I have been in this unpleasant predicament. Having studied the appointed number of years at the university, and performed the stated exercises, I aspired to the honour of the degree of master of arts. I believe, Sir, this is an honour that never before was disputed to any one who solicited it. Indeed, I have no doubt that it would to-morrow be conferred upon a great dog, if he could pay the fees, and call out *Pro Domino Rege* —yet this was denied to me. For this favour I was indebted to a fore-runner of the noble mover, lord Mountford, of whom I shall not now say any thing—*De mortuis nihil*—Sir, I can go no farther. The next struggle of this kind I had was when I offered myself as a candidate to be called to the bar. I then followed the advice of the first lawyer, perhaps, that this country ever produced—I mean the late lord Ashburton. I was not foolish enough to give up a situation which I then held, the profits of which were sufficient for my moderate desires. I had been a member of an inn of court from 1756, and I thought myself not unqualified to exercise the profession of the law. I might thus have bettered my situation; but I would not, upon speculation, give up what I securely enjoyed. It was well that I did not. A noble marquis, whose name I shall not mention, but who is now a

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member of this House, interfered, and, his influence being great, my application was rejected. Why was I thus refused? Was there any law against me. None. Some precedent then? None! Some arguments were offered to prove my incapacity? Not one! I was rejected, and the first that was ever rejected on similar grounds. To show that I am not altogether impertinent, the benchers, having on their side no law, no precedent, no reason, were so doubtful as to the propriety of their conduct, that they sent messengers to consult with the heads of the other inns of court. This learned body, therefore, were not certain that, though in orders, I was ineligible, or that, though in orders, I might not have laid them aside. I am sorry that the late chancellor of the exchequer is not in his place. He is well acquainted with these proceedings; and I am mistaken if they have not made a pretty deep impression upon him. What I have said, Sir, likewise shows how I have been treated in former times, and tends, in some measure, to account for the laudable zeal manifested by the noble lord on the present occasion. I would beg the House to recollect, how I have been used in this business. Positively a stranger would imagine that I had been guilty of felony, or some infamous crime. I have been told to stand up and show myself. My eyes, indeed, Sir, are now very weak; but I am very much mistaken if the noble lord is such a terrible looking man that I should have been afraid to look him in the face without this admonition. Have I ever shown any symptoms of cowardice? No, Sir, I have ever remained intrepid in every situation, and the noble lord might have saved himself this trouble. I was next ordered to attend in my seat—when the day of my trial came on, it was meant no doubt. Suppose I am in priest's orders, Sir; is this a public delinquency? Ought I on this account to be declared infamous? I should rather think, that being in orders argued some degree of learning, religion, and good character. Sir, were it not for my anxiety for the constitution and the rights of the people, I certainly should now be silent. It is no fiction that this seat is absolutely a burthen and an expense to me. No one advantage do I derive from it. I want not the privilege of parliament, Sir. I have no debts. I never had any, and never shall. My spirit is much too independent to allow me to contract for what I cannot pay, or to owe any one when I have money to pay him. The noble lord expresses great zeal for the purity and independence of this House. These are fine sounding words; but neither of them will suffer by my being a member of it, while I am not sure that they do not suffer from the royal patronage, the effects of which so terrify the noble lord in this instance. There have been gentlemen, not in holy orders, who held livings in the church, and continued members of this House. Sir Richard Wrottesley, for one, held several valuable benefices: of this I am certain, that many who now hear me would be glad to go into orders for 1,500*l.* or 2,000*l.* a year, if, indeed, they had the fair moral character which I enjoyed when I first entered the church, and the small pittance of learning necessary to qualify any one for ordination.

I shall not trouble the House much either with law or divinity. All must allow that there is often a great deal of cant about both. Having for many years had neither profession nor employment, I have had nothing to do but to follow the bent of my inclinations, and to improve my mind. I have thus read much divinity and with law subjects have been conversant near half a century. Had I not continually exercised my judgment, the greater part of the books on these subjects would have turned my brain. This effect they have certainly had upon many who have not used the same precaution. I know the advantage which I might derive from perplexing the understanding by recurring to abstruse reasoning and legal quibbles. But I waive it all. I shall speak nothing but common sense, and what may be understood by any one, however slender his acquirements. The natural way of debating this question would be, to consider, first, the arguments from reason for and against the eligibility of a person in holy orders; next, the law upon the subject; and lastly, usage and custom, which, when they are not contrary to reason or law, are more binding than either. To save the time of the House, however, I shall take these a little out of their order and begin with precedent. My poor constituents are left entirely to me, and I must do my utmost to support their interests. The report proceeds on the supposition that I am in orders. I admit, certainly, that I held the living of Brentford forty years ago. But, in speaking of

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this report, the question naturally arises, whose it is? I find that the gentlemen on the committee ordered search to be made. If there is one principle incontestible it is this, that no one can delegate delegated power. However, great abilities have been displayed in drawing out this report, (and I mention this that those may have the merit of it who actually drew it out), the reporter has given us a morsel of Old English, which afforded me no small amusement. It was written no farther back than in the time of Henry 6th; and, though there are but twenty-one lines in all, the characters have been mistaken eleven times. Lest he should be directed to make a second search of this kind, I would inform him, that the letter he has mistaken so often for a *y* is the Saxon *theta;* and that instead of *yes, yat,* and *yese,* sounds not to be found in the English language at any period of history he should have wrote *this, that,* and *these.* Of the real Saxon *y* he is ignorant, and, by mistaking it for *z,* he has committed several blunders not less ridiculous.—It is said in the report that every thing is inserted to be found in the Journals at all bearing upon the question. Sir, this is not the case. Many facts directly in point have been overlooked. No one would learn this from the report; but upon searching the Journals, he will find that all those who were declared ineligible by the House, actually continued to sit till they were disqualified by an act of parliament. It had often been declared, that minors, aliens, &c. were incapable to sit in the House; yet till the reign of king William they both occasionally sat. It has often been resolved, that the eldest sons of peers, mayors of corporations, and other classes are ineligible individuals of which now compose this House. No express act of parliament was ever made to exclude them. Though I should think it unjust to disable a man for actions committed before the act, yet, if an act be fairly brought in to declare ineligible all who have been in orders, I shall not oppose it. It is indeed rather cruel in the noble lord thus to tantalize me. Had I not heard his most pious, religious, and learned speech, I should not have been so sensible of the immensity of the loss I am about to sustain. When he knew my situation, he might have been a little less lavish in eloquence. The legislature, Sir, has not been sparing of disqualifying acts. In 1705 an act was passed declaring ineligible all officers of customs and excise, distributors of wine licences, the commissioners of sick and wounded, and various others; but an act to disqualify those who have once exercised the functions of a clergyman never has been proposed. As, therefore, my constituents had an undoubted right to elect me, I reckon myself bound to struggle as hard to preserve my seat as if I were personally anxious to preserve it. To disqualify the beneficed clergy to sit in this House, would certainly tend much to preserve its purity. The measure would be a highly proper one, and should have my warmest support. It might indeed be urged, that there are already not a few among us much more dependent upon the crown than any of the clergy, beneficed or unbeneficed. Of such an argument I shall not avail myself. Because things are bad, it surely is no reason why they should not be prevented from growing worse. I beg to be understood as not defending my seat upon the same grounds that the clergy in general might advance. There is surely a great difference between one still exercising clerical functions, and one who has not exercised them for many years, and never means to exercise them more.

Lord Coke and Mr. Justice Blackstone have been quoted, but there are other authorities which should not have been forgotten. I have, within these few days read four or five writers upon the subject of the greatest celebrity: among them is lord Bacon, who think exactly as I do. It has been remarked, that legal gentlemen are in general very unfortunate upon points of parliamentary law; but I must remind the House, that Mr. Hatsell, whose knowledge upon the subject was universally allowed to be unrivalled, is exactly of the same opinion. An hon. member (Mr. Simeon) has written a book in which he asserts that there are several resolutions of the House, declaring the ineligibility of persons in holy orders to sit in the House. That hon. gentleman, I believe, was also a member of the committee by whom the report is drawn up; but it is unfortunate for him, and the credit of his book, that in that committee he could not find any of those resolutions which he says in his book do exist. To come to the precedents stated in the report—they are but three in number, and all of them took place before the convocation had ceased to tax the clergy. They are, therefore, to be considered of little

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weight. In 1624 it was enacted, that no parson or vicar should have a voice in the election of the knights of the shire. While this law was in force, certainly they had not the shadow of a claim to sit in parliament. To elect representatives, and to represent electors, are two privileges which are inseparable. To allow the one and withhold the other, is contrary to the plainest dictates of common sense and right reason. But since that period the right of the clergy to vote at elections has been recognized, and by the 18th George 2nd it has been fully confirmed to them. Now, therefore, they have a right to represent their fellow-citizens. Lord Coke has been mentioned triumphantly. Perhaps I may be able to show that his sentiments were not exactly such as they have been represented. The noble lord has made me pay very dear for my seat, by the trouble it costs me to prove my right to it.—[Mr. Tooke was searching among a bundle of papers for a letter which he immediately made use of.]—Among the archives of the University of Cambridge, I have found a letter in sir Edward Coke's own hand. It was written to the university immediately after the privilege of sending a representative to parliament was allowed to that learned body. [The hon. gentleman then read the letter in which the university is strongly advised not at first to make choice of any one who was a member of the Convocation, as some dispute might arise: but rather to fix at this election upon some doctor of the civil law, or other grave and learned layman.] You see here, Sir, that this great oracle of the law makes a distinction between eligibility and the policy of electing. He probably meant, that after they were fairly seized of the right of choosing a representative, they might afterwards choose whom they would whether he were a clergyman or a layman. The attorney-general laughs, Sir; he would do better to consider what he is going to say. I long to hear his opinion, and that of the other law officer of the crown. If they satisfy my doubts, I shall be grateful to them. If they think to put me out of countenance by tricks, they will find themselves egregiously disappointed.

I shall omit the greater part of what it was my intention to offer to the House. Gentlemen would do well to consider the importance of the question now before them. It is indeed of great magnitude; and, as there are few who may not be interested in it remotely, they ought to lay out of their consideration the circumstances of this individual case, and come to a decision upon liberal and comprehensive views. I shall suppose that the younger son of a great family gets a living of 1,000*l.* a year, and takes orders; and that soon after, by the death of his elder brother, an estate of 80,000*l.* a year devolves to him: will any one say, that this case may not happen? Will any one say, that, if it should, this young man would be rejected a seat in this House? Pray what does my having been in orders prove? but that forty years ago I was a young man of a fair character. We no longer live in the times of Popery. A man is not now all his life influenced by the prejudice that he imbibed from his nurse or his mamma. What are holy orders Sir? What change is operated upon a man when he receives them? Does ordination instantaneously change the human form, or the human faculties? I was not sensible of any transformation of this kind, nor am I now sensible of differing from other men. The Roman Catholics reckon seven sacraments, and ordination as one of these. At the Reformation ordination was declared to be merely a ceremony. Will any one then say that a ceremony works such an alteration in a man as to disqualify him for the office of a legislator for ever? Between the Popish priests and the Protestant there is the greatest difference: the former are enjoined perpetual celibacy ours are allowed to marry, and upon trial are declared by the best judges able to perform all the duties of a husband. Shall it then be said, Sir, that he who can govern a wife is unfit to assist in the government of a kingdom?—I have been told, that I have a voice in the Convocation. It is above forty years since I took orders, and I never once was summoned to the Convocation, spoke in it, or gave a vote in it. Clergymen are ineligible as they have the cure of souls! Sir, I have no soul to take care of but my own. They ought to stay at home and exercise the duties of hospitality. I have no residence and no funds given me for this purpose. Nor have I any spiritual functions to exercise, however necessary it may be for others to be absent on this account. I, Sir, have now a particular claim upon the House. I have suffered all the disadvantages of eligibility. I formerly presented a petition to this House, which, as it could not be got rid of, cost me much

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trouble and no small expense. I was under apprehension of still severer punishment. But had the noble lord then been a member of the House, how easy would have been the process! "The reverend gentleman is not eligible; therefore let his petition be rejected." But not a word of my ineligibility was then whispered; and now, when a respectable body of constituents come to an unanimous resolution to do me the honour to elect me their representative, it is instantly discovered that I am disqualified to sit. Were I a Jew, Sir, a Jesuit, a Mahometan, a Pagan, a Presbyterian, a Quaker, there could not be the least objection to me. In spreading the doctrines and administering the rites of these various religions and sects, there is nothing corrupting! but connexion with the established church it seems leaves a foul and indelible stain! Sir, there is something in this a little too hard of digestion. In Roman Catholic countries there is nothing more easy than for a priest to lay down his orders and the pope dispenses with his vow. In England every man is a pope to himself. He confesses to himself, and from himself he receives absolution. He ought, of course, to be able to become a layman as soon as he changes his views. The noble lord has declared his chief object to be to make the line broader and better marked which separates the clergy from the laity. The noble lord's views in this may be very enlightened, but I would remind him, that it was the policy of our reformed ancestors to narrow and deface this line of distinction as much as possible. They, foolishly perhaps, thought that the interest of all orders should be made the same; and that a fellow feeling and mutual confidence should, if possible, be universally excited.—The door, however, is not absolutely barred against me. There is an unfortunate clergyman who has lately been guilty of adultery, and the cry has been loud that he should be deposed. Were he really deposed, Sir, I suppose there can be no doubt that, being no longer in orders, he would be eligible to a seat in this House. To say that an adulterer is disqualified to be a member of parliament, might be productive of consequences somewhat serious. It is maintained, that though a clergyman is excommunicated, his character remains sacred. He goes to the devil, but he no longer becomes one of the prophane laity. By-the-by, it is not easy to say what using a man's self as a layman may mean, or rather what it may not mean. In 1764 the present archbishop of Canterbury dined in my house; he was then a private tutor. What do you call this, Sir? Is it part of the functions of a clergyman? But if gentlemen had consulted the 72nd canon, they would find that if a clergyman shall pretend to exorcise any one, if he shall not keep the fasts, if he shall preach in the fields, and if he shall do, and if he shall not do, various other things, he shall, for the first offence, be suspended, for the second excommunicated, and for the third deposed. Had I then attempted to exorcise myself or others, or had I followed the example of some of the advocates of "vital christianity," I should have been deposed long ago, and should now be allowed quietly to take my seat. But, because, like a good subject, I chose to withdraw without stating my reasons, and thus exciting scandal, I am for ever ineligible. What if I had been tainted with infidelity, and tried to make proselytes? I should then be as competent to sit here as any member present. This reminds me of an occurrence which took place in this city a few years ago. A poor girl, in very indigent circumstances, and quite destitute, went to a director of the Magdalen Hospital, and applied to be taken in: "Why," said he, "'tis true, there is now a vacancy, and I have no objection to admit you; but first let me hear something of your history. Who seduced you? Where have you lived since?"—"Seduced me, Sir!" exclaimed the girl; "I am as innocent as the child unborn. I may be poor your honour, but I'm very honest!"—"You won't do for us then," replied the governor; "if you wish admittance here, you must go and qualify yourself by prostitution." That innocence should in any case be a disqualification! How would a person in orders be treated on board a ship, if, in time of danger, he would not work at the pump to save the vessel from sinking, or handle a bucket when the fire was making its way to the powder-room? Yet he would be using himself as a layman if he were to do either. There are three professions in which the public are more particularly interested, and the entrance to all of them is guarded by peculiar restraints. When a man's life or his health is in danger, he applies to a physician; when his civil rights are at stake, he consults a lawyer; and in things

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that concern a future state, he trusts the divine. Therefore no one is allowed to exercise these professions till he has undergone an examination, and been found properly qualified. When an admission takes place, however, there is a great difference between them, though that difference is not generally known. The lawyer and the physician, can, all their lives after, take fees from whom they please; but he in holy orders has still no authority of his own. To exercise the functions of the ministry, he must have preferment, or the licence of the bishop, and the moment he is deprived of these he ceases to be a priest. Dr. Walker defended the town of Londonderry when the military had fled, and thus prevented it from falling into the hands of James 2nd. King William was so highly pleased with his gallantry, and felt so grateful for his services, that he wished to make him a bishop. But, no; the bishops interfered; a man stained with blood, they said, was unfit to officiate in that sacred character. King William, however, gave him a regiment, and he died in Flanders fighting bravely by his side. He made as good a colonel as if he had never entered the church. It is not long since, Sir, that a gentleman sat in this House, who was then a colonel of militia, and who had formerly been in orders. [Mr. Tooke mentioned several peers who were in orders, and had sat in the upper House. He likewise observed, that the bishop of Lincoln had been secretary to Mr. Pitt, and the bishop of Meath secretary to the duke of Portland.] There were clergymen volunteers, justices of the peace, and mayors of corporations. The rev. Mr. Frobair had been made a peer, and sat in spite of the bishops. In 1759, Mr. Borden was well known to hold livings at Madras. After filling various offices he finished his career as a commissioner of the victualling-office, which I trust I shall not. Though I wish earnestly to be out of the House, I feel it to be my duty to strive to continue in it as long as I can; and am prepared to meet opposition in whatever way it may present itself. I wish the House to proceed legally. I wish that an act should be passed, founded on the broad basis of general justice. Let the House save its character as much as possible, and try to preserve the confidence of the public. I sit down, Sir, in the full confidence that individual spleen will not be gratified; and that I shall not be punished for doing that which the noble lord, had he not the monopoly of the exchequer, would probably be glad to do himself.

Mr. *Simeon* entered on a review of the several precedents which seemed to him to invalidate the right of persons in holy orders to a seat in the House of Commons. He insisted on the terms of the writ to the electors, instructing them to choose knights, citizens, and burgesses, to none of which classes the clergy belonged in the more ancient times of our history, and inferred that their consequent ineligibility was thus clearly established. He contended, that they never did at any time mix with the representative body of the people in the management of their property, but sat at different times, and were subject to peculiar regulations. Having attempted to show that history, precedent, and law authority, made against their right, he, in conclusion, adverted to the consequences which would result from the recognition of the right; contending, that the discharge of parliamentary duty would necessarily involve a neglect of the offices of their sacred function.

Mr. *Fox* opposed the original motion. Though he differed entirely from the right hon. gentleman who had moved the order of the day, and though he was not by any means convinced that this was the most prudent way of getting rid of the question, still he was content in the present instance to support it, for the purpose of disposing of the motion of the noble lord, and protecting the House from a vote which he conceived would be highly unconstitutional in itself, and dangerous in its consequences. The House were placed in a strange situation, when it was thought proper to assert that a particular law existed in the usage of parliament, but it was at the same time admitted, that it would be more consistent with the maxims of wisdom and discretion to dispense with its exercise. Without going into any discussion on the right which the House possessed to dispense with laws in particular cases, he was willing to accede to the motion for the order of the day as a means of putting an end to the general question for ever. The question submitted to the House was one materially involving a right of the constitution, in so far as respected the whole body of the clergy, and this therefore led at once to an examination of those precedents on which this right was attempted to be denied. It was stated by gentlemen on the

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other side, that there were many instances where the circumstance of persons being in holy orders was declared to be a ground of ineligibility. On the other hand, he would assert that there was only one solitary instance where any such declaration was made, and that, too, in a case where the circumstances were of a peculiar nature. Was it declared in the precedents which were offered to the House, that the persons ejected were ineligible because they were in holy orders? No; it was, on the contrary, expressly declared, in the case of Newell, that he was ineligible, not because he belonged to the body of the clergy, not because he had been admitted to priests orders, but solely because he was, or might have been, a member of Convocation. The same observation applied to the other precedents, where the seat in the Convocation was explicitly mentioned as operating to their exclusion from the right of sitting in parliament. He was unable, therefore, to conceive why the House were to be repeatedly told, that, in the records of parliament, holy orders were specified as forming a bar to the validity of an election; when, in the very words of the precedents produced, a different cause was particularly described. If, instead of this, it was said, that the clergy were ineligible as members of Convocation, there would be a fair ground of argument where this assertion could be held, when the powers of the Convocation had ceased to be exercised as in the ancient times of our history. But the noble lord had chosen to assert, that even now the powers of this body existed in their full force, and that they might henceforth resume all their former functions. He had trusted that this phantom of the Convocation had disappeared for ever; for he had long conceived all its powers to have expired. He could not refrain from quoting, on the present occasion, two lines of an English poet, where he introduced common sense as a queen governing the world by her sway:

> "Fair Common Sense, while thou dost reign on "earth,
> "The Convocation will not meet again."

The influence of that queen he was willing to allow, had not been much felt in the late councils or plans of the rulers of this country, nor were his hopes of her future dominion of the most sanguine kind: he could not suffer himself, however, for a moment, to believe that the national character was so degraded, as ever to submit to the revival of the Convocation in our land. He knew not how the gentlemen on the other side were to get over the dilemma, that the clergy since 1664 were permitted to have a vote in the election of the representatives of the people, while they strenuously contended against their right of obtaining a seat in that House where these representatives were to be assembled. If it was said, that after the right of the clergy to tax themselves ceased, this right of voting was established by a tacit compact, it might be asked, why the right of sitting was not conceded on the same principle? The only principle stated on the records of parliament for their exclusion from this latter privilege was, that they were members of the Convocation; but this having been abolished, the exclusive operation of the principle was destroyed. As the right of voting was established by a sort of tacit compact, why might not the right of sitting be established in a similar manner? It was no argument sufficient to invalidate this supposition, that no statute to this effect was to be found, since it appeared that the right of voting was exercised for forty-seven years previous to the formation of any statute; yet no doubt whatever could reasonably be entertained, that during the whole of this interval the right was fully and freely exercised. The previous exclusion was declared to originate solely from the right of the clergy to sit in Convocation; but, when this right could no longer be exercised—when the reason of the law of exclusion had ceased to operate—it was fair to conclude that the law was no longer in force. The law, which was founded on the powers vested in the clergy to fix a separate rate of taxation, was no longer expedient when the right of taxation had ceased. In point of fact the precedents in the report all stated the exclusion on this fact, however gentlemen chose to make unsupported assertions about holy orders. At the period particularly alluded to, it was true that this sort of language began to be held by certain individuals, but in no case was it employed by the House in their several orders on the subject. If, however, the circumstance of being in holy orders was, as had been argued, the real ground of exclusion, how could it be accounted for, that such terms were so carefully avoided, and the right to a seat in the Convocation was the single ground on which the House

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came to a decision? Nor was the case of Cradock at all irreconcileable with this statement, since it was in the period when the statute of 1641 was in force, that he was excluded on the ground of being in holy orders; but when that statute was repealed, matters were restored to their antient footing. On the fair foundation of law and precedent there was, therefore, nothing which could affect the right of the hon. gentleman to a seat in that House.—But other strong reasons for this exclusion had been produced, and a particular allusion had been made to the language of the clergy to Elizabeth, when praying for admission to seats in the House; and hence it was endeavoured to be shown, how dangerous the introduction of the clergy might be to the interests of the people. But what was, in fact, the meaning of this petition, on which so much stress seemed to be placed? It was not said by the clergy, "Suffer us to become the representatives of the people, and thus give us an opportunity to support your prerogative;"—but it was, in substance, "Allow us to sit by your sovereign appointment, or, in other words, without having been elected at all, and thus secure us to your will. But such language, in the mouth of people wishing to sit without election, was surely no argument against the right of other persons to a place in parliament who were fairly and unobjectionably elected. Nor was he to be told by persons who seemed to consider the preservation of a particular class, which were not unfrequently the objects of reproach to others, that the people of Old Sarum were not entitled to protection in the person of their representative, against whose claim no case had been proved.—But here recourse was had to ancient learning, and an antiquarian lawyer was to come forward and tell the House, that the clergy were ineligible, because he had endeavoured to show that formerly they did not come under any of the description of persons whom the writ embraced. This he could not help considering as one of the most extraordinary causes of ineligibility ever produced. For, was it not notorious, that the clergy at this moment were fully competent to the discharge of all the duties implied in the character of these several descriptions; or could it be denied that they were, in a variety of cases, actually discharged with honour to themselves, and advantage to the country?—As to the general principle of eligibility, he was unwilling to state a broad general proposition to the House; but he conceived it might be asserted with truth, that where no positive statute intervened every class in the community were eligible; and this observation was sufficient to mark his opinion of the particular case. On the other question, of the power of the clergy ever to lay down their character, he professed himself less qualified to judge; but if, as the hon. gentleman had shown, the act of others, originating from particular acts of conduct in individuals of the body, could ensure deposition, and consequently the loss of this character, he must own that the hon. gentleman's statements were insuperable.—But the House were told to beware of the dreadful consequences that would result from the admission of the clergy to a seat in parliament, and to tremble at the evils of so imprudent a communication with legislative privileges. He wished to know, however, what difference there was in the constitution of the House of Lords, and of that House, which rendered their seat in the one not only harmless but useful, and in the other dangerous and destructive? To him, there seemed to be only two grand distinctions between the two Houses. The other House could alone act as a court of appeal from the inferior courts, while in this House was lodged the disposal of the national treasure. He wished to know, then, what possible danger could result from the presence of the clergy in the one House, which was not now experienced in the other? Till this could be clearly explained, he should content himself with viewing the popular arguments on this subject as altogether nugatory. Was it not as true of the bishops who sat in the one House, as of the inferior clergy, that it was their duty to devote themselves to the functions of their sacred character? Besides, were there not some peers of parliament clergymen, and had not some clergymen been created peers? Yet he never heard any censure thrown on the king's ministers for such creations. Mr. Fox then took notice of Mr. Grenville's act, which he considered as the most important reform of modern times: and he was sure, if the case of the hon. gentleman in question was to be tried by fifteen members chosen according to that act, they would declare it was their opinion that priests were eligible to sit in that House. The House, by pursuing the line of conduct

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recommended, might get into a very difficult situation. Was it proper to run the risk of involving itself in a contest with the borough of Old Sarum? With regard to the bill which the chancellor of the exchequer recommended for prohibiting clergymen from sitting in the House, gentlemen would perceive how narrow its operation must be, unless it was intended to take effect as an *ex-post-facto* law; in which case it would be a glaring injustice. Upon the whole, he did not see a *scintilla* of reason or of law to support the present proceeding. Although he would vote against the motion of the noble lord, he would at the same time vote for the order of the day; and he hoped this question would never be revived again.

Sir *W. Scott* said, that this was a question of very great importance; and in order to consider it properly, it would be necessary to divide it into different heads. In the first place, the question of ecclesiastic, or not ecclesiastic, must be decided by the canon law; not from any respect to the authority by which those canons were made, but from long and uniform acquiescence. The next question to be considered was, whether a person could divest himself of his ecclesiastical function, and become a layman at his pleasure? Upon this point, nothing could be more clear than that, from the earliest periods of the christian church, it was held impossible for a man who had once entered into holy orders to divest himself of that character, and again become a layman. He would not trouble the House with a long detail of quotations from the canon law, by which it was declared that the clerical character was irrevocable; but, with respect to the gentleman who was the object of this motion, he wished to ask, whether he had not now a right to all the privileges of his order—whether he had not now a right to be appointed to any of the most valuable preferments of the church? If this question was answered in the affirmative, as it undoubtedly must, was it not rather too much to say that he enjoyed all the advantages belonging to his order, but that at the same time he was exempted from all the inconveniences attending it? A considerable reliance had been placed upon the circumstance of persons in holy orders being turned out of their ministry for misconduct; but gentlemen would perceive, that there was a material difference between being prevented, for a time, from exercising their functions as clergymen, and being divested altogether of their clerical character. In the church of Rome, ordination was a sacrament; and though upon the reformation it ceased to be so, yet it was little less; and a man ought not one day to take the most solemn profession, and the next with idle levity to give it up. Even the buildings which were devoted to the purposes of religion were considered as for ever sacred; and it could not be supposed that the character of the ministers of religion could be given up at pleasure. The next question was, whether a person in holy orders was, or was not, eligible to serve in parliament? Upon this part of the subject it would be necessary to inquire whether formerly persons in holy orders were eligible to serve in parliament; and if they were not, whether any change had since taken place to give them a right which they did not originally possess? With respect to the expression upon which so much had been said, viz. that persons were declared ineligible because they were members of the Convocation, it must mean persons in holy orders, because there were several members of Convocation who had a right to sit in parliament; for instance, the person who filled the office he now held, and many others, were members of the Convocation, and yet most undoubtedly had a right to sit in parliament. With regard to the other point, it appeared clear to him, that no change had taken place in the disability which formerly existed of clergymen sitting in parliament. They had indeed acquired the right of voting for their glebes; and it was contended, that because they had acquired the elective franchise, of course they had a right to sit in parliament; but this assertion was not correct, because there were many who had a right of voting for members of parliament who were not eligible to serve in parliament. Nearly a hundred years had elapsed since they had acquired the elective franchise; and though there were many men of great talents and ambition among the clergy, yet in all that time no attempt had been made by them to obtain a seat in parliament. It had been said, that other persons who were incapacitated had been incapacitated by act of parliament, and that there had been no act to incapacitate ecclesiastics; but, in answer to this he begged leave to

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state, that those other persons who had been incapacitated by statute, had previously a common law right in them, which was not the case of the clergy, and therefore it was not necessary to pass an act to take from them a right which they never possessed. He was by no means sure that the clergy themselves would think they were benefited by obtaining this privilege. This House was a field for ambition; but the constitution of the country and the duties of religion, had given them another sphere of action. Considering the question in this point of view, he was under the necessity of declaring, he should give his vote for the motion.

Mr. *Erskine* argued in favour of the eligibility of the clergy. He began by noticing the act of 1641, which excluded ecclesiastics; the preamble of which recited, that great inconveniencies had arisen from their sitting in parliament. Now, if they never had sat there, how could the act have possibly stated that inconveniencies had arisen from it? This act was repealed in 1661, and it was worthy of notice, that the preamble of the repealing statute recited that the act of 1641 had made several objectionable alterations in the laws and customs of parliament, a reasonable proof at this distance of time that the act in question had, amongst other things, invaded the constitution of parliament by declaring that persons in holy orders were ineligible; and at all events, since their exclusion clearly originated with the act of 1641, which the latter statute repealed, it seemed impossible to maintain that they did not become eligible again, and no law since had passed to declare them incapable of sitting in the House of Commons. No man held more highly than he did, the sacred duties which a clergyman had to perform, or wished more to keep them aloof from the turbulent scenes of the world, and if it was fit to exclude them from parliament, the exclusion might now be enacted, but if he were asked, whether the incapacity was founded in the ancient law and now existed? his answer would be, certainly not. If it was inconsistent with the functions of clergymen to sit as members of the House of Commons, it was surely equally improper that they should act as magistrates; yet they had always been placed in all the commissions of the peace throughout England, and the public, as might be expected, had derived the greatest benefit from their morals and learning in the administration of justice. The case of Dr. Craddock had nothing to do with the case, because he was not declared to be ineligible under the general law, but under a particular statute, which was afterwards repealed. It had never been argued that the king could not raise a clergyman to the peerage, yet if clergymen were ineligible here, this would be giving the king a prerogative inconsistent with the principles and practice of parliament by introducing into it clergymen whom the laws had incapacitated. As to the Convocation, it was a mere name existing only in theory, an unsubstantial pageant rather than an order in the state, and nothing could be inferred from its constitution. He thought therefore that a priest was eligible, and should vote for the order of the day.

The *Attorney General* said, that the gentlemen on the other side had contended, that there was not the slightest doubt in the case; but, instead of asserting, he wished them to lay their finger upon that page of the constitution which warranted the principle that they supported, or to show one solitary instance of a person in holy orders sitting in parliament. If such cases and such principles were to be found, it must be in those new constitutional codes by which the world had been illuminated; but certainly not in those volumes to which he had been accustomed to look, not in the great law authorities of the kingdom, not in the Journals of parliament, not in the history of the country. Looking into these authorities, he did not find a single case of any ecclesiastic sitting in that House, nor could be found such a right any where laid down. Gentlemen had relied much upon the act of 1641; but that act was made against the bishops, though all clergy were included by name. This appeared to be the intention of the act, from the words which were used in the act of 1601, by which it was repealed; for it was there called an act against the bishops; and his majesty, in giving his assent to the bill, used similar language. With respect to Craddock's case, he was not declared ineligible upon the act of 1641, for that act was repealed six months before his election was decided; and therefore this was a case directly in point, and in favour of the doctrine which he was supporting. With this opinion of the subject, he should have voted for the noble lord's motion;

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but, as he understood that a bill was to be brought into parliament to settle the point, he should vote for the other orders of the day.

Mr. *Grey* noticed the strange inconsistency of the arguments enployed by those who maintained that a priest was ineligible to sit in that House. If priest's orders were irrevocable and indefeasible, and disqualified the person ordained from a seat in parliament, the objection applied equally to both Houses of the legislature —it could not be invalidated by the king's prerogative. If it was contrary to the purity of the priesthood to interfere in temporal legislation, the bishops should be excluded from the House of Lords; and, indeed, it would be rather an awkward mode to preserve the purity of that character, to force a man to continue the profession after his opinions should have undergone a change—to discharge the duties of the priesthood with insincerity and hypocrisy—giving that insincere person an opportunity of more effectually propagating his doctrines. He therefore disapproved of the sentiment, that the function of a priest could not be laid down under any circumstances. He would vote for the motion of the chancellor of the exchequer.

Mr. *Vansittart* said, he had been a member of the committee in Rushworth's case; and, to the best of his recollection, it was the opinion of the committee, that there was a difference, as to the ineligibility of the ecclesiastical character, between deacons and priests. There had been a case lately, he understood, in which a deacon had resigned his orders into the hands of the bishop, which resignation was accepted—a thing that had never happened in the case of a priest.

Mr. *Tooke* read an extract from the opinion of a celebrated civilian, Dr. Wynn; to whom a brief was given on the subject of Mr. Rushworth. The opinion stated, that there was no canonical impediment to a priest's sitting in the House of Commons; but that the doctor felt himself unable to assert positively, whether or not it was agreeable to the usage of the House to allow it, as there were no precedents on that point.

Sir *W. Scott* agreed in the opinions of Dr. Wynn, that there was no canonical impediment in the case; but as to the custom of the House of Commons, he had little doubt.

Mr. *Bragge* defended the conduct of the committee, against the animadversions of the hon. gentleman. It had been the uniform custom of all committees of inquiry to delegate to clerks the power of searching for precedents; but, in this instance, the committee searched for precedents themselves, and diligently examined them, as their only object was to lay the truth of the matter before the House. He entered into a history of the opinions of the most eminent commentators on our constitution, from sir Edward Coke down to judge Blackstone, to show that a priest was not eligible to sit in the House of Commons; adding, that such had been the declared law of the Scotch and Irish parliaments, the latter of which was entitled to particular consideration, as it must be recollected, that its laws and practice emanated from those of this country. Under every circumstance, however, he should vote for the order of the day, as it was but proper to give time for the fullest investigation of the subject.

Mr. *Abbot* argued against the eligibility of the clergy to a seat in parliament, as representatives of the Commons; but approved of the motion for the order of the day, and of a bill being afterwards brought in declaratory of the subject.

Mr. *Williams Wynn* said, that on account of the lateness of the hour he would not enter upon the main question of the eligibility of the clergy to sit in parliament, as he thought that might safely be allowed to rest on the speeches of his noble relation, and of sir William Scott, but would strictly confine himself to the argument of the chancellor of the exchequer, who had moved the order of the day, and had contended that the proceeding recommended by the present motion would be a violation of the spirit of the Grenville bill, an argument which only required to be fairly stated in order to confute itself.—The right hon. gentleman had admitted, that a person in holy orders was ineligible, and that thirty years ago, before the passing of the Grenville bill, the House ought to have adopted the motion now proposed. What was it which had since taken place? Parliament by that act, had provided a new tribunal for the trial of cases which should be brought before it by petition, either from the rival candidate or electors in his interest. In this case, there had been no rival candidate or opposition at the election. It could not possibly, therefore, be

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so tried; it never could have been brought before that tribunal. Was this, then, an argument why the House, the only jurisdiction competent to decide this question, should be prevented from entertaining the consideration of it? Could it be maintained, that any person, however manifestly ineligible he might be, yet returned to parliament without opposition on the day of election, must necessarily retain his seat?—It had been said, that by passing the Grenville act the House had manifested a distrust of its own discretion in matters of election. Were any gentleman to impeach the governor of one of the West India islands of high crimes and misdemeanors, and to support his charge by the clearest proofs; would it be for one moment endured that he should be answered "No; the House has already marked its disapprobation of proceeding by impeachment in similar cases, by passing a bill establishing a special judicature for the trial of these offences, if committed in the East Indies — Give up, then, this impeachment! pass an amnesty for all crimes hitherto committed! but enact that all offences which may hereafter occur in the West Indies shall be cognizable by the East India judicature!" Yet, absurd as such a course might appear, it was precisely what had, on the present occasion, been recommended.—The support given to the motion for the order of the day, by those who thought that priests were eligible to serve in parliament was perfectly manly and consistent. Those, even, who had doubts on the subject might reasonably vote for it; but it seemed incomprehensible how any man who professed himself convinced of their ineligibility, could reconcile it to his ideas of the dignity of the House, or of his own duty as a member of parliament, to vote for adjourning *sine die* the consideration of a motion for removing from the House a person not legally qualified to sit there.

The *Solicitor General* said, he was not surprised at the paucity of the precedents which were adduced to prove the ineligibility of a priest to sit in that House; the case had seldom been brought to trial, for there seemed ever to have existed the fullest conviction on the subject. It was obvious, that a woman was ineligible to sit in that House, yet if the question should be disputed, the gentlemen on the other side, who had in this instance so much stickled about precedents, might boldly challenge any man to produce a recorded document of parliament, declaring a woman ineligible. Their sex would not be a good ground of objection; for, by law, women were eligible to act in many situations which in practice they never assumed. A woman might, by leave, accept the office of constable. Having no doubt of the ineligibility of a priest to occupy a seat in that House, it might be asked, why he should oppose the motion of the noble lord? He did so because there was a precedent in the case of Mr. Rushworth, and if that case should be contrasted with the mode of deciding proposed by the noble lord, future committees would be liable to embarrassment, and he would therefore consent to postpone the discussion, in order that the bill proposed by his right hon. friend might be introduced, and by satisfactorily settling this disputed point, mark out a distinct line on all such occasions.

Earl *Temple* replied. He said he stood in the singular predicament of being opposed by those who supported the principle of his motion, and opposed by the other side of the House, in the understanding that a bill was to be brought in to establish the principle that a priest was not eligible. He contended, that the motion of the right hon. gentleman, if adopted, would go to admit that Mr. Tooke was eligible to sit in that House.

Mr. Chancellor *Addington* said, he found he had been guilty of an irregularity in moving for the order of the day, that order being the motion of the noble earl on which they had been debating. He begged leave, therefore, to withdraw his motion, and to substitute in its stead the motion for the previous question. Upon this a division was loudly called for.

The previous question being put, That that question be now put, the House divided:

Tellers.

Yeas	The Earl Temple Mr. Williams Wynn	53
Noes	Mr. Solicitor General Mr. Bragge	94

So it passed in the negative.

Debate in the Commons on the Bill to prevent Persons in Holy Orders from Sitting in the House of Commons.] May 6. Mr. Chancellor *Addington* stated, that, in consequence of what had passed on a former night, he should now beg to

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move for leave to bring in a bill to prevent doubts respecting the eligibility of persons in Holy Orders to sit in the House of Commons.

Mr. *Jolliffe* asked, what was the extent and object of the bill? If the object was entirely to exclude persons who had ever been in holy orders, he should oppose it; if it was only meant to exclude persons holding certain church preferments, or if persons in holy orders were to be compelled to relinquish all hopes of preferment before they were allowed to sit, he should acquiesce in the measure; but he would not consent that persons should be for ever incapacitated, merely because they had once taken priest's orders.

Earl *Temple* was surprised that the chancellor of the exchequer should bring forward such a bill, after having induced the House to stultify its own proceedings, and after having given a vote directly against the opinion contained in his speech. For his own part, he had not yet learned the temporising system of politics, which suggested to a man to make a speech one way, and vote another; he had not yet learned to compromise the dignity of the House, or commit it in his own inconsistency. The right hon. gentleman, and those who had adopted the same line of conduct, reminded him of Caliban and Trinculo, in "The Tempest," whose situations were so equivocal that it was impossible to distinguish their heads from their legs. Approving, however, of the principle, he should give the motion his assent.

Mr. Chancellor *Addington* said, that the intention of the bill coincided with the words of the title. The hon. gentleman wished to know whether it was meant to apply to all persons who had ever been priests? His own idea was, that the exclusion should extend to all persons of such description. He thought it was wise, on the part of the House, to have abstained from coming to any resolution on the question of the eligibility of persons in holy orders to sit in the House. He had expressed no opinion, and the House had expressed no opinion; it was therefore extraordinary that the noble lord should have averred that he had voted contrary to the opinion he had expressed, and have charged him with inconsistency, and compromising the dignity of the House. He felt confident that the bill, and the principle on which it was introduced, would be productive of public advantage.

Mr. *Grey* observed, that to the motion now made he had no objection, thinking that, as doubts had arisen, they ought to be set at rest. He concurred in the opinion, that persons in holy orders ought not to have seats in parliament; but he had doubts whether it would be right to carry the bill to the extent proposed, upon the principle that priest or deacon was an indelible character, and never could be put off.

Mr. *Sheridan* said, it was a very different question to argue, whether persons in holy orders ought to sit in the House, or whether they were entitled by the practice of parliament. The decision of the latter question had been avoided. He thought they had such a right; consequently he considered this as a bill of disfranchisement. It would have been better to have decided the question of whether the right existed or not; and if the affirmative had been proved, the House would perhaps have been more tender in voting it away.

Mr. *Bragge* justified the measure of bringing in a bill to settle a great constitutional question, upon which one half of the House differed from the other.

Mr. *Jones* considered the bill calculated not for the disfranchisement of the clergy, but for their good, in not admitting them into this lay parliament. The character of a clergyman was indelible: we could no more disrobe a clergyman than we could wash a blackamoor white; nay, we could no more disclergify a clergyman than we could debauch a virgin, and afterwards undebauch her.

Lord *Hawkesbury* contended, that the determination of the committee on Rushworth's case, and the doubts entertained by Mr. Hatsell, were ample reasons to induce the House to set the question at rest by a bill. He thought then, that previous to 1664, the clergy had no right to sit in the House, and was of opinion, that nothing had occurred since to convey that right; yet others had formed a different opinion. Under these circumstances, the bill was properly introduced.

Leave was given to bring in the bill.

May 8. On the order of the day for the second reading,

Sir *F. Burdett* rose to express his decided opposition to the principle of the bill, which went to stigmatize a large body of men, and to disfranchise them, by a sweeping blow of their rights and privi-

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leges. He could see no fair reason why the clergy should be considered as more liable to sinister influence than any other order of persons; or why the man who wore a black coat should be more dependent on the crown than the man who sported a red one. The arguments on which the bill was founded were the offspring of superstition—a superstition more gross and flagrant than the tenets of popery itself. It was pretended, that such a degree of sacredness attached to the sacerdotal character, that it would be profanation to meddle and interfere in lay matters. This was a doctrine which he had hoped had been long since exploded. There were a variety of cases in which the clergy took an active part in lay offices, infinitely more discordant to their sacerdotal character than parliamentary duties. The manner in which this bill had been introduced, appeared to him highly singular. The preamble merely stated that doubts existed, without proving, or even asserting, that those doubts led to any detriment and inconvenience. This was not a parliamentary mode of proceeding. He should therefore oppose the motion.

Mr. *Horne Tooke* said:—Sir; I rise, for the first, and I hope for the only time in my life, in opposition to my hon. friend. I wish the bill to proceed to a second reading. When I review the case in all its relative bearings, and connect the act with the circumstances, I am convinced that the right hon. gentleman had no alternative. Situated as he was, he could not act otherwise. In the predicament in which he stands, one ounce of caution and discretion is worth a ton of rhetoric. In saying this, I wish to guard against misconstruction. I am not the advocate of subterfuge and evasion. When the point at issue involves the cause of justice, it would be unfair to take advantage of casual error; but when injustice is the object of pursuit, then it becomes laudable to take advantage of every opportunity to defeat that end. I do not now see a learned gentleman (sir W. Scott) in his place, who, on a former night started certain propositions respecting the priesthood, which were wholly unfounded, and unwarranted by truth. I wish that learned gentleman were now here; but as he is not, I hope some of his friends will inform him of the assertion I now make, in order that he may come down to the committee fully prepared to make good his statements. I know him to be a man of great acuteness, and truly, in the present instance, he will have occasion for the full exercise of all his ingenuity; for I am strongly persuaded he will not be able to sustain his positions, from any arguments drawn from reason, religion, precedent, or law. I wave entering into an examination of the manner in which this bill has been introduced to the House. It meets us as a solitary measure, unconnected with any sufficient cause or ground of operation. It tells us, that doubts have been entertained, but does not say that any inconvenience has arisen from these doubts. Whether it was right and fitting that the bill should come into the House in this shape, in the present female fashion of nakedness, I stop not to inquire. Had I either felt convinced in my own mind that my sitting in this House was productive of inconvenience, or had this been proved to be the case by others, I should have anticipated every attempt to expel me, and have been the first to quit the situation I hold, voluntarily, and from the impulse of my own feelings. But no inconveniences have or can result from my sitting in this House. The question is altogether personal [No, no!]. In saying that the question is to me personal, which I still maintain, I do not mean to say that it proceeds from any sentiments of animosity towards myself on the part of the right hon. gentleman who brings it forward. I have never deserved enmity, and I am ready to believe the solemn disavowal of all personal resentment. But, in the eyes of the public, it must appear personal, for reasons which offer themselves instantly to notice. For a century and a half there has not been a single parliament in which some persons in holy orders did not sit. During the whole of that period no inconvenience has been felt, no alarm excited. No fears or apprehensions were expressed of there being any danger of the clergy rising *en masse*, and rushing into this House, to come in for a share of the good things which are supposed to attach to a seat in parliament. But, the moment I show my face in the House, the signal of alarm is given, and my presence is supposed to endanger the constitution. Under such circumstances, can the public do other than consider the measure as a personal question? It has been said, that, if the clergy were suf-

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fered to sit, the House would be converted into a convocation of divines. It must convert itself, in some measure, into such a meeting, when it proceeds in the committee to canvass and analyse what is and what is not a priest. In that committee I shall not propose any alteration which has a tendency to oppose the reasonable desire of the House to prevent the clergy from occupying a seat.

The Bill was then read a second time.

May 13. On the order of the day for going into a committee on the bill, Mr. G. Vansittart presented a Petition from Edward Rushworth, esq. setting forth,

"That the petitioner has observed, by a bill printed by order of the House, that it is therein intended to make all priests and deacons, who have been already ordained such, ineligible to sit as members of the House; and that the petitioner was, twenty-one years ago, ordained a deacon, but never exercised that office for above two months, and, considering that he was authorized to relinquish that order, he has for upwards of twenty years given up the same accordingly, and was, in October 1780, elected a member of the House for the borough of Yarmouth in the isle of Wight, and took his seat for that borough; and that the petitioner was also, in 1784, elected a member of the House for the borough of Newport in the isle of Wight, when a petition against his return was presented by John Barrington, esq. to the House, upon the sole point of the petitioner being ineligible as a deacon, and which being, pursuant to law, referred to a committee, the said committee unanimously (as the petitioner has been informed), declared the petitioner duly elected, who accordingly sat in the House as member for the said borough of Newport until the parliament was dissolved in 1790; and that the petitioner considering, his right to be elected a member of the House fully ascertained by the decision of the committee to whom the petition against him was referred, is greatly alarmed lest the same should be destroyed by the passing of the said bill into a law; and therefore praying, that the same so far as it affects his right, may not receive the sanction of the House."

The petition was ordered to lie on the table. The House then went into the committee.

Mr. *Horne Tooke* said, he meant to propose several amendments, by which the object of the bill might be attained, without the House being obliged to degrade itself by becoming an assembly of casuists. He felt the civility with which he had been treated by the right hon. gentleman; politeness was never lost upon him. He was an old man, and sighed for retirement. He could sit no longer than this parliament; but the natural term of his life might not be so long as that of the parliament, old as it was. He therefore desired to be out of the House as soon as possible, and for this purpose he should propose one clause. All his other amendments consisted in omissions. But every advantage that was offered him he was determined to wave, and to place himself in the same situation with those infamous persons who, like himself, had been guilty of entering into holy orders. He likewise was anxious to preserve the consistency of the House. If the House would be polluted by the clergy becoming members, it ought certainly to be purified as soon as possible. He did not desire an opportunity to speak of the purity of parliament, if by his presence he must render it impure. He had a much greater regard to the honour of the House than to his own seat. The bill being amended, as he proposed, it would be unnecessary for him to enter upon the refutation of a doctrine laid down by a learned gentleman (sir W. Scott) which he did not hesitate to pronounce to be more wild, romantic, and fantastical than any thing to be met with in the Fairy Tales, or the Arabian Nights' Entertainments. With the omission he should propose the first clause should run thus—"If any person having been ordained to the office of priest or deacon should hereafter be elected, or, being elected, should continue to sit or vote in parliament, he should henceforth be incapable of holding any benefice or any office of trust or emolument under the crown." If clergymen had such a disqualification staring them in the face, he believed the House would not be much troubled with ecclesiastical candidates. A bill running in this form would save the House the trouble of going into questions which it was not competent to discuss. Ecclesiastical questions had been always in the first, instance, discussed by bishops and convocations, before they were brought into parliament, and till they had agitated this question of the indelibility of the clerical character, it would be very unseemly for a lay House of Com-

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mons to decide upon it. The learned Dr. Campbell of Aberdeen, in his second volume of Church History, had entered very ably into this question, but he did not suppose the members of that House cared much about it. It would appear strange indeed, if the friends and the foes of the clerical order, were to unite to stigmatise that order, as if they had done something to deserve a stigmatised exclusion from the House. He wished the preamble to the bill to be postponed, and that the House go on to consider clause by clause. After several other observations, the hon. gentleman sat down, and the first blank was filled up with the words, "the passing of this act." He then again rose and moved, that the words "declared and" be omitted. It was absurd, he said, to declare what shall take place in future.

Lord *Hawkesbury* contended, that the language of the bill was perfectly correct and parliamentary, as it was no unusual circumstance for bills to be partly declaratory and partly enactive in their nature.

The *Speaker* was of opinion, that all the purpose of the legislature would be answered by making it simply an enacting clause. He thought this would be preferable to any thing declaratory, as it was not the purpose of the House to do any thing prospectively.

Dr. *Laurence* said, that if the declaratory clause were thrown out of the bill, it would, instead of being an act founded on the common law of the land, and the general usage of parliament, be solely an act of disfranchisement to a numerous class of the community. At present it was supposed that the ineligibility of clergymen to a seat in parliament was founded on the most ancient conceptions formed of the clerical character in the Christian world—on the authority of positive ecclesiastical canons—the old established usage of the House of Commons; but if the declaratory act were omitted, the very point on which the bill originated was given up by the House.

The *Solicitor General* approved of the proposed omission; and the more so, as it would remove any ground for applying it specifically to the case of any individual.

Mr. Chancellor *Addington* wished to retain the word "declare," so that the bill should be deemed a declaratory bill: but this he wished to be done without affecting the seat of any member in the House at the time of passing it.

Mr. *Burton* said, he was for omitting the word "declare." Their constituents would probably think, that that House was, by this declaratory law, abandoning their right of determination in a judicial question respecting the privilege of the House of Commons, and therefore changing that which applied to the rights of all the commons of England, a right which had hitherto been exclusively exercised by that House; and that by this measure the House of Commons was about to refer that question, which had so been considered exclusively their right to determine to be judged of by another house of parliament, another branch of the legislature; for, notwithstanding it should be the unanimous opinion of that House that it was the right of that House exclusively to judge of the eligibility of its members; and notwithstanding the House should be unanimously of opinion that no clergyman should have a right to sit in that House; yet, after this bill had passed the House, and was declaratory of its rights, the whole of that declaration, and the provision by which it was accompanied, might be overturned by a majority of one in the House of Lords. He had always understood that all questions of privilege, especially the right of sitting in that House, had been claimed and exercised as exclusively belonging to the House itself. He therefore regretted that this question, which ought to have been exclusively judged of by the Commons, should be sent to be judged of by the Lords. He lamented it, because he did not know how they could word the bill so as to convince their constituents that they did not give up that question of privilege which hitherto had solely been judged of by the House of Commons. He agreed to omit the word "declare," because there was danger in submitting that to the judgment of any other tribunal.

Mr. *M. A. Taylor* could not give up the word "declare." If this was not a declaratory act, he knew not what it was. Rather than give up the word "declare," he would have a proviso for the purpose of preventing the bill from having any effect on the seat of any member in the House at the time of passing the act.

Mr. Chancellor *Addington* said, he should have been glad if the House, of its own intrinsic authority, could determine this matter; but a reference to the Journals would show, that such a thing was impossible. A resolution of the

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House might be rescinded in another parliament; so that a bill was absolutely necessary. If the declaratory part could be retained, and the inconvenience of depriving an individual of the seat which he now had could be avoided, he should rejoice at it; but there did appear to him to be some difficulty in accomplishing both objects.

Mr. *Whitbread* thought the result of the arguments on this subject was not so clear as some imagined it, as to the ineligibility of persons in holy orders sitting in that House. He thought they ought not to sit there, and that, therefore, a bill was necessary.

The *Speaker* said, it seemed to him that there was a strong desire to do two things inconsistent with each other, namely, to have a declaratory and an enacting part at the same time in the bill, and that where the declaratory part was to do nothing. Now, to retain the declaratory part, and at the same time to provide that the hon. gentleman, who, because in holy orders, was ineligible, should not be affected in his seat in this parliament, would involve the House in an absurdity, because it would be permitting a person to sit who was declared to be ineligible to a seat in the House; for which reason, he thought the declaratory part ought to be omitted.

Mr. *Windham* thought the better way would have been to vote at once that a person in holy orders was ineligible to a seat in that House. However, now that a bill was brought in, to give up the declaratory part of it, would be worse than silence on the question of eligibility —it would be taken as an abandonment of it. He had no objection to this measure being adopted, as some members seemed to wish to retain that part of the bill which was declaratory, and also of providing that the seat of the hon. gentleman should remain unaffected in the present parliament; but whether that could be done or could not, he would no longer leave any doubt as to the law on the subject.

Mr. Chancellor *Addington* thought the better way would be to agree to the declaratory part of the bill, and then to have a proviso, that nothing in the act should extend to vacate the seat of any member before the passing of this act.

Mr. *Bankes* thought the word "declare" ought to be retained; but he had so great an objection to the proviso proposed, that he had rather the bill should be lost, than that it should contain such a proviso. He had no doubt of the ineligibility of persons in holy orders to sit in that House; but by this proviso, the hon. gentleman was to be put in a better situation than any other clergyman in England.

Mr. *Sheridan* was convinced that the arguments against the eligibility of the clergy, as having a tendency to diminish the purity of the House, were futile; since, in his apprehension, the purity of parliament would be exactly the same after the admission of a few individuals of this order, as at the present moment. It struck him as somewhat strange, that while soldiers, seamen, and merchants were judged capable of holding seats in the House, it should be insinuated that the clergy were too impure to be eligible.

The committee divided on the amendment proposed by Mr. Tooke: Ayes, 11; Noes, 102. The Chancellor of the Exchequer's proviso was agreed to.

May 19. On the order of the day for the third reading of the bill,

Mr. *Joliffe* said, that it was a bill of disqualification and exclusion; for the eligibility of persons in holy orders was admitted by the very instance before us. Before, therefore, we went to disqualify so large a class of men, it became us to consider what were those qualities which rendered a man most eligible. Learning of all kinds, ancient and modern history, peculiarly fitted a man to make laws, and to judge of prudent policy. What description of persons was to be found so versed in general learning as the clergy? But it was said, they were liable to the influence of the crown? Who was not? The crown had deaneries, canonries, and livings to bestow; but had it no regiments, no governments, no ships, and no naval commands? That it could bestow those church preferments was true; but could it take them away? No; but the same hand which gave the others to-day could dispossess the enjoyers to-morrow. To talk, therefore, of influence, was preposterous. The clergy are, says a learned gentleman, an indelible character; they are enveloped in holiness; they are so pure that they cannot mix in ordinary society. Were they so? How came the bishops in the other House of Parliament? Were they one day too pure to be admitted here, and the next perfectly fit for legislation there?

Sir *F. Burdett* said, his objections to the principle of the bill were not removed by

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the amendments made in the committee. The inconsistency of its clauses proved the little wisdom there was in stirring the question at all. The best thing the House could now do, would be to retrace what had been done, and get into the position at which it had set out. He considered that the amendment, by inserting the word "declared" had not made it a declaratory act. With respect to the principle itself, he opposed it on all the grounds on which it had been supported. In referring to a celebrated speech of a learned member (sir W. Scott), which appeared to have made a deep impression on many; if what that speech contained was what was denominated learning, he, an ignorant man, had a less loss in the want of it, than he had apprehended. To prove that assuming holy orders was not a sacrament, he need only refer to the articles of the church: he there found only two sacraments ordained, Baptism and the Supper of the Lord; the other five were, properly speaking, not accounted sacraments. It was admitted, that a clergyman could get rid of orders by behaving himself improperly. Was, then, the only objection against the eligibility of a clergyman to sit in parliament to consist in his not having rendered himself criminal? There was no one argument respecting clergymen that did not apply with greater force to bishops. With regard to the supposed dependence of the clergy upon the crown, he did not see why they should be considered more dependent than other men: the objection, however, applied equally to the bishops. He conceived it totally impossible to pass a bill on such a principle as this. Was it not hard that Presbyterians, Anabaptists, Dissenters, jumping Methodists, and fanatics of all descriptions, should be eligible, and only the clergy of the established church be disqualified? It was not likely, if this bill were rejected, that there would be any inundation of the clergy in the House of Commons. He professed no superstitious reverence for clergymen, but he did not wish to see them disgraced, as they would be by this bill. He should conclude by moving, "that, instead of 'now,' the bill be read a third time this day three months."

Mr. *Horne Tooke* said, he would ask the learned gentleman, if a priest would be any where suffered to perform his functions without a licence from the bishop; and would not be liable to punishment if he attempted to do so without such a licence? If a priest was presented to a benefice, would the learned gentleman, as vicar-general, induct him without a testimonial from the bishop, founded on the conduct of the priest for the three years preceding such presentation? And was it likely that such testimonial could be obtained by a priest, who during those three years, had neglected to exercise his ministerial functions? To confirm his assertions, he would read the canons which applied. Mr. Dunning had formerly read some of them to him; but as he never did the whole of the duty of the priesthood, having a curate to officiate for him during the two years he held a parish, he did not feel the necessity of consulting them. After giving up the parish, he went to the continent, and on his return he did not resume the clerical character, but interfered in those politics which he believed, at this day, rendered him more ineligible to sit in that House than his connections with the priesthood. He read an extract from the canons, to show that no priest could officiate without a licence from the Bishop.

Sir *W. Scott* said, he had endeavoured to show the House, on a former occasion, that the canon law, so far as it was not restrained or contradicted by any legislative provision, was always considered as binding in this country; and he had maintained that by that law the clerical character was considered as indelible. That the canon law was completely operative in this country till the Reformation, there could be no doubt. A person who denied it would have been punished for heresy, or, if the denial was general, it would have exposed the kingdom to the consequence of an interdict. At the period of the Reformation, it was some time in doubt whether holy orders was or was not a sacrament: it was at length determined in the negative. But though it ceased to be a sacrament, it certainly did not become a mere civil contract, liable to be dissolved according to the interest, the inclination, or the caprice of an individual. No, it became a high and mysterious ordinance, by which a man devoted himself to the service of God, and assumed a character which he could never after lay aside. It had been suggested, that a man might be divested of his clerical character by the commission of crimes, but this was not correct, a clergyman might be prevented from exercising his functions, he

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might even be given up to the secular power and put to death; but he contended, that he could not be deprived of his clerical character. But even if a man could get rid of his priestly character by the commission of crimes, did it therefore follow that he could rid himself of it? A man might get rid of his life by the commission of crimes; but would he be justified in taking away his own life by suicide? It appeared to him that holy orders were in many respects like marriage, which was also a sacrament, and ceased to be so at the Reformation; but it did not then become a mere civil contract which might be put an end to by the consent of the parties. Marriages were now by the law of the land indissoluble even in cases of adultery, though in particular cases the legislature might interfere. It was formerly held, that minors might contract marriage without the consent of their parents or guardians, because it was considered as a religious ceremony, and that continued to be the law of the land until the Marriage act, but even that merely extended to marriage by licence; for, as to marriage by bans, the law remained as before. The hon. gentleman confounded two things which were very distinct, the possession of the clerical character, and the possession of a benefice. The hon. gentleman might or he might not be able to obtain the necessary testimonials; if he could not, undoubtedly he could not be inducted into a benefice; but then it would arise from his not having the necessary testimonials, and not from his being a layman. The hon. gentleman could no more resign his clerical character than a peer could his dignity, they were both for life, and the hon. gentleman could now administer the sacrament, marry, &c. This indelibility of character might in particular cases be inconvenient to the individual; but he was convinced that it was for the public advantage that the law should be as it now stood. He should support the bill, conceiving that the House was a lay assembly, and that this was not the period to make experiments upon the constitution.

Mr. *Grey* denied that the characters of a priest and a legislator were incompatible. In the early periods of our history, the clergy, though they formed a distinct body, constantly mixed in temporal affairs, and held civil offices. He however wished to exclude the clergy, not because he thought that they were more liable to corruption than other men, but because their secular duties would interfere with their spiritual ones, and their sitting in that House would open a source of influence. He therefore wished that the bill should render every person holding a benefice ineligible, and prohibit any clergyman having once a seat in that House from ever holding a benefice afterwards.

Mr. Chancellor *Addington* concurred in opinion with his learned friend, that this was a lay assembly; and though the canons did not expressly say the two characters were incompatible, yet he was justified in contending that they were so by the *lex et consuetudo parliamenti*, which, except in the case of Rushworth, had been uniformly adhered to. The first regulation which the hon. gentleman wished to propose was, that persons having a benefice should not be eligible; he could not conceive a more unwise regulation, because it would leave persons in holy orders a kind of loop-hole to get out of their profession, and would induce them, in the early part of their lives, to direct their talents, their studies, and their views, to objects inconsistent with the duties of their holy office—it would afford them temptations to ambition, and keep their minds in a state of suspense and distraction. With respect to the other regulations of the hon. gentleman, it was equally objectionable; because it either went to divest a man of his clerical character altogether, or else it left him capable of performing part of his functions, such as marrying, burying, &c.

Lord *Hawkesbury* said, that the question before the House was resolvable into two points: 1st, Is the clerical character indelible? and 2ndly, Allowing the indelibility, does it render the clergy ineligible to a seat in this House? Now, could a single instance be produced of a clergyman having sat in the House as a clergyman? There might be instances of persons in holy orders having sat as laymen, but none of their having appeared in the House in the clerical dress and character. Now if these persons had not themselves been convinced of their ineligibility as clergymen, they would not have laid aside, in this House, the garb of their profession. This was a strong proof in opposition to the statement, that the indelibility of the clerical character did not destroy the eligibility of the clergy; and that it had ever been the general opinion of parliament, and of

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the country, that persons who had been in holy orders were ineligible.

The amendment was negatived, and the bill was read a third time.

Mr. *Horne Tooke* thought that many amendments would be necessary to be made in this bill; and that, if they were not made, it would go down to posterity as a weight hanging about the neck of the present parliament. What is the language of the preamble? "Whereas it is expedient to prevent doubts as to the eligibility of persons in holy orders to sit in the House of Commons, also to make more effectual provision for excluding them from sitting therein." Here no reason is assigned for the passing of the bill; and if, to the disgrace of the House, it should pass with this preamble unaltered, I do not think that it is likely to meet the approbation of the bishops in the other House. For how does the case stand? The body of the bill does not consist with the preamble. In the body of the bill, the expression "being or having been in holy orders," twice occurs. Now, according to the principles of the church of England, it is held, that a person cannot be ordained to holy orders, except by a regular successor of the apostles, which the church conceived its bishops to be, through the uninterrupted succession of the bishops of Rome. This ordination the House is told also confers an indelible character. The language, "being or having been," may therefore apply to the clergy of the church of England. But does it apply to the clergy of the church of Scotland? By no means; persons being in orders in that church are not, indeed, eligible; but its ministers may lay aside their clerical character whenever they choose, and thus become eligible to a seat in the House: the expression, "having been," cannot therefore apply to them. A great deal has been said of the indelibility of the clerical character. It will not be pretended that christianity is an indelible thing, though it is conferred by a whole sacrament, baptism. But holy orders are indelible, it seems, because the ceremony which confers them is a fraction of a sacrament. But where was the indelibility of character conferred by it in the reign of Edward 6th? All the clergy were then ordained Protestants; but on the succession of Mary, they all became Papists, or exposed themselves to the risk of being burned. Put the case the other way: in Mary's reign all the clergy were ordained Papists; on the night of her death, they went to bed Papists; and the next morning, on the succession of Elizabeth, they rose Protestants."—He had heard much about the learning displayed in support of the position of the indelibility of the clerical character. For his part, he had not been able to perceive any of it. No authority had been adduced, and assertion had been substituted in the room of proof. What opinion of the apostles, what text of Scripture, nay even what canon, had been quoted? He had heard no learning, but merely boldly stated opinions and positive affirmations. If this were learning and ability, the boldest and most impudent man was the most learned and the ablest. He had been called upon to produce an adjudication that persons in holy orders are eligible to a seat in the House. He would, in his turn, call for an adjudication of the eligibility of a biscuit-baker, an iron-monger, or a stock-broker. He had understood one argument in support of the bill to be, that it was intended to prevent corruption in the House. He was surprised that ministers should coincide in this argument; for if the admission of the clergy would produce corruption, to whom ought the blame to be imputed? Not to the clergy, the corrupted, but the ministers of the crown, the corruptors; to those who seduce, and not those who allowed themselves to be seduced. But all the thoughts of gentlemen seemed to turn on the rights of the elected, while they totally forgot the rights of the electors. [Some gentleman here said, "for instance, those of Old Sarum."] Mr. Tooke thanked him for the hint; he had Old Sarum in his mind at the time. He declared that he sat in the House as independent as any man in it. He had been returned unfettered by any conditions: he was not even bound to take care of Old Sarum. The House might take it and throw it on the floor, along with the other boroughs of the same description, if they pleased; he would not oppose it, and thus they would get rid of him at once. He had no wish to defeat the object of the bill, but merely that it should leave the House in as unexceptionable a form as possible. However, for form's sake, he would move an amendment to the preamble, "Whereas persons in holy orders ought not to be entangled with secular jurisdictions (the office of the ministry being of

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such great importance, that it will take up the whole man); and for that it is found, by long experience, that their intermeddling with secular jurisdictions, hath occasioned great mischiefs and scandal both to church and state." He had no wish that the clergy should be admitted to sit in the House. He did not feel much attachment to them: at the same time he did not wish them to be treated with disrespect. The great body of the clergy he knew well. They were like all other great bodies of men, an heterogeneous mass, of whom some were even as worthy, and others as worthless, as any men in the creation; many of them were wise, learned, and honourable men, and many others were men neither designed by nature nor education for the sacred function—men who somehow contrived to procure ordination, but who would have been much more fitly employed in making hob-nails. But why the rights of a whole body of men should be struck off upon the ground of mere assertion, unsupported by precedent or authority, he was at a loss to reconcile either to consistency or justice. A learned gentleman, at the same time that he denied holy orders to be a sacrament in the Protestant church, yet maintained the indelibility of the clerical character, by arguing, that if it was not quite a sacrament, it was at least half a sacrament, as it had, like matrimony, the outward and visible signs of one. He had heard of casuists splitting hairs, but this was the first instance he ever heard of a casuist splitting sacraments; and he was sure the learned gentleman must have borrowed the idea from a learned casuist in divinity, of whose intense research and perspicacity he would relate an anecdote. The Divine alluded to wished to investigate the mystery related in the Scripture of the legion of devils entering into a herd of swine; and, in order first to ascertain the number of devils composing a legion, he applied to his glossary, and found that a legion in the Roman army meant a certain number of men, more or less, in different reigns; but he took as his medium the number as it stood in the reign of Tiberius. He next set about inquiring into the number that composed a herd of swine; and for this purpose he directed his investigations into Syria, and other countries; and having taken the swineries of Mesopotamia as the most probable standard, he divided the number of a herd there by the number he had before ascertained of a legion, and the quotient proved to him that each hog was possessed by exactly a devil and a half, or somewhat less than a devil and three quarters. The name of the Divine was Dr. Smallwell, or Smallbridge, or Smallbrock; but ever after the learned casuist was called Dr. Split-devil.

The Amendment was negatived, and the Bill passed.

The King's Message respecting a Subsidy to the Queen of Portugal.] May 14. Lord Hawkesbury presented the following Message from his Majesty:

"GEORGE *R.*

"His majesty, taking into his most serious consideration the imminent danger with which the kingdom of Portugal, the ancient and natural ally of his crown, is threatened by the powers now at war with his majesty, as well as the importance of the commercial relations subsisting between the two kingdoms, and relying on the known zeal and affection of his faithful Commons, recommends it to them to consider of empowering his majesty to afford, by way of subsidy, to the Queen of Portugal, such assistance as may enable her most faithful majesty to take such measures for the defence of her dominions against her enemies, as the exigencies of affairs may appear to require. G. *R.*"

Debate in the Commons on the Subsidy to the Queen of Portugal.] May 18. The House being in a Committee of Supply,

Lord *Hawkesbury* said, that whatever opinion the House and the public might entertain respecting subsidies, the question now before them stood upon distinct grounds. It was not his intention to discuss whether foreign subsidies were right or wrong. The propriety of having recourse to them must always depend upon particular circumstances. If it was stated that subsidies were wrong, with reference to British objects, he should answer, that the only war in which, in the course of the last century, this country had failed, was that in which it had no continental alliances, and, consequently, no subsidies to grant; he meant the American war. Whatever had been the result of the measures on the continent, the conduct of this country towards its allies had always been dictated by a large and broad system of policy; and it would ever be a consolation to reflect, that it had endeavoured to

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save the rest of Europe from the power of France. He could easily conceive that many gentlemen might object to subsidies for offensive operations, such as those to Austria and Russia, who yet would admit that a subsidy to an old ally, not for offensive but defensive operations, might be right. The power for which he rose to propose a subsidy had, for more more than a century, been an ally of this country; a power which, during the whole of the war, had behaved with fidelity towards us, and had afforded us its assistance and co-operation. The only reason that could be stated against the motion was, that it was equally the interest of Portugal and of this country that the former should make a separate peace with France. He was ready to admit that his majesty had thought it right to absolve Portugal from any engagement not to make a separate peace, if it could be obtained on terms consistent with its honour; but it was impossible for any one to look at the state of the continent, and the conduct of the French government towards Naples, and doubt whether Portugal could make peace on any terms consistent with her honour and independence. Under these circumstances, he would leave it to the House to say, whether, if such assistance as he should propose, might have the effect of enabling Portugal to negociate on better terms, or in case of failure, of preparing for more effectual resistance, there could be any objection to it? Every motive of policy demanded such a subsidy, whether we wished Portugal to make peace or not. It had been stated as an objection to this subsidy, that the sum was so small that it could really be of no use. The sum certainly was smaller than, under other circumstances, he should have proposed; but, from the state of the money market, arising from the great sums of money sent out of the country for corn, it was inconvenient to grant a larger sum. He was, however, far from supposing that such an assistance would not be very material. As it was only intended to enable Portugal to maintain an army of 20,000 men, it might not be inadequate. It was not granted that she might continue war if she could make peace, but only to put her into a situation to negociate with more effect. He concluded by moving, "That a sum of 300,000*l.* be granted to his majesty, to enable him to afford such assistance to the queen of Portugal as may enable her majesty to take such measures for the defence of her dominions, against her enemies as the exigencies of affairs may appear to require."

Mr. *Grey* said, I, for one, Sir, must dissent from the motion. I do not deny that Portugal is of great importance to this country; and that it is our duty to adhere to our ancient ally in the day of distress. But these are points, upon which the present question by no means turns. I admit that it is of importance to preserve Portugal from being over-run by the French. I admit that she has the most powerful claims to our protection; but I disapprove of the assistance which is proposed to be sent to her, because I doubt of its efficacy. I lay down no universal position with regard to subsidies. I think that the policy of each must be determined by a consideration of its own circumstances. But from the conduct of the predecessors of the noble lord, and his bold defence of all their measures, they seem to think that subsidies are politic in all possible cases, and that nothing is so desirable as an opportunity to grant one. Examine the history of the present war; calculate the extravagant amount of the sums they have thus squandered; observe the injudicious manner in which they have been applied; see the fatal consequences which they have produced, and say, whether the inference is not fairly drawn, and the charge such as cannot be repelled? For what purpose is this subsidy to be granted?—not to stir up Portugal to make war, we are told, but to enable her to negociate with advantage. There are two ways in which this may be done; money may enable a state to buy off an invading enemy, or raise troops to oppose him in the field. If the difference between France and Portugal is now to be settled as it was formerly proposed to settle it, our subsidy might not be without effect, though it would certainly raise the demands of the invader. But recollect, that if our assistance is effectual in this way, we actually vote 300,000*l.* into the coffers of Buonaparté. Ministers, we are told, are now obliged by the most sacred obligations, to succour our ancient ally. Since when has this obligation begun? Is the threat new? Is this the first time that an invasion has been threatened? Last summer, general Berthier went to Madrid, and no one doubted the object of his mission. In the beginning of winter the brother of the chief consul was dispatched to that

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capital, and he was soon after followed by a general of no mean fame. A numerous army was assembled on the frontiers of Spain, and every thing indicated a fixed resolution to attempt an invasion. Yet ministers remained inactive, and took not the smallest notice of the danger which thus threatened our ally. Now, when it is doubtful whether our money will arrive before the enemy is in possession of Lisbon, they manifest the greatest zeal, and affirm that we should incur eternal disgrace were we not to send assistance without delay. When twenty or thirty thousand French are joined to the troops of Spain, will any one say that Portugal has the least chance of success? What effect, then, can our subsidy produce? Had the Portuguese spirit to enlist and fight for their country, there is now no time to bring them into a state of discipline, or even to raise them. When Portugal was not threatened with invasion; when Spain showed dispositions rather friendly; when every soldier that could be raised in France was sent to Italy and the banks of the Rhine, then a formidable British force was kept up in Portugal under sir Charles Stewart. When the continental war was over; when our enemies had the ability, and testified the strongest inclination, to attack our ally, what did we do for her? Portugal was left, without a single British soldier, an easy prey to the conqueror. Our ancient and natural ally does not want money, but a well-disciplined army. With that she might have had some chance of safety; without it she has none. This leads me to consider how the army destined for the protection of Portugal is now employed. I am little disposed to detract from the glory of our victory in Egypt. I believe no troops ever displayed more coolness, steadiness, and gallantry, than the army under sir Ralph Abercrombie, in resisting the attack of the French on the 21st of March. But, Sir, why are they so employed? why are they not now defending our ancient ally? Because the convention of El-Arish was perfidiously broken. All the bloodshed that has happened is ascribable to the authors of this disgraceful measure. We might have regained Egypt to our ally without one shilling, or one drop of blood, and Portugal might now have been secure from invasion. This, like all the policy of the late ministers, was impolitic, and has turned out disastrous. A new obstacle is thrown in the way of peace. While we are struggling for Egypt, and shedding our best blood in the struggle, Portugal is certainly ravished from us—an old, and faithful and valuable ally is over-run and ruined on our account. We may re-conquer Egypt, an event which, I am sorry to say, appears still most doubtful; but in the mean time we are suffering a still severer loss. In the conquest of Portugal by France, as severe a blow is aimed at our interests, and as complete a bar is thrown in the way of negotiation. Although our boasted conquest were effected, our relative situation is not improved. Sir, I feel the importance of the object; but, feeling that the means proposed are inadequate to gain it, I must negative the motion.

Mr. *Pitt* said:—The subsidy which is now proposed, the hon. gentleman who spoke last complains, was opened upon general grounds; and that the reasons assigned for it are insufficient, he is pleased to allege. I think, if ever I heard a plain, distinct statement, on clear ground, laid intelligibly before the House, so as to leave no doubt what we are called upon to do, either in point of faith, policy, or honour, it was the statement of my noble friend; but I must say, that the hon. gentleman, in the course of his speech, went into an argument that proceeded to the extreme, although in the beginning of his speech he maintained that it is a subject on which the extreme will not apply, that each case of a subsidy should be decided on its own circumstances; and yet he thought fit to say, that all the grants of parliament were without any motive, except the pleasure of granting subsidies; that this pleasure was to us a sufficient reason to grant a subsidy, and that we never looked at the consequences. Now, Sir, if any gentleman will look back to the history of this war, he will find, that whatever has been the fate of the continent, we have given to the different powers the best chance for their safety. The hon. gentleman says, he has no objection to the present subsidy; but, under the semblance of discussing this question, he renews his attacks on his majesty's late ministers. He takes the opportunity of collaterally making charges against us, though notice has been repeatedly given of a specific motion on that subject, which motion has never yet been brought forward. With respect to the situation of Portugal, he connects it with the expedi-

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tion to Egypt, and says, that if the latter had not been attempted, Portugal would have been safe; but in the latter part of his speech, he says, that even if the Egyptian expedition had not been undertaken, he would not recommend that the forces engaged in it should be employed in the defence of Portugal. Leaving, then, the importance of Egypt out of his consideration, he makes it a charge against the king's late ministers, that we are prevented from assisting Portugal, because so large a force has been sent to Egypt; and he says, that if that force had not been sent to Egypt, he would not now recommend their being employed in the defence of Portugal. This is the enlightened, the vigorous, and the statesman-like policy which he would recommend, in opposition to that employed by the late administration, who from the delays of which they were guilty, he says, uniformly failed; but who, I say, notwithstanding those delays, and their uniform failures, have somehow or other contrived, amidst the desolation of Europe, to deprive our enemies of almost all their colonial possessions — to reduce, almost to annihilation, their maritime strength—to deprive them of, and to appropriate to ourselves, the whole of their commerce, and to maintain in security our territories in every part of the globe. These, Sir, are the successes with which the tardy efforts of the last administration have been crowned. It is to these successes that the hon. gentleman owes the opportunity he now makes use of, to talk in this place with retrospective criticism of the conduct of the war. But I wish to ask the hon. gentleman, how we could avoid sending a force to Egypt, unless we determined to give it up to France? He does not deny that it is an object of the greatest importance to this country; but he says the expedition would have been unnecessary if we had agreed to the convention of El Arish. Sir, this subject has been discussed more than once—[Here Mr. Jones called out —Hear, hear!]—Sir, I beg leave to assure that hon. gentleman, that I will never interrupt any of his speeches with—Hear, hear! nor, if I can avoid it, will I undergo the mortification of hearing any more of his declamations upon this subject. Sir, the question which his majesty's late ministers had to consider at the period to which the hon. gentleman alludes, was, whether it would be wise in us to have permitted so many of the veteran troops of France to have been landed in Italy, at a moment when the fate of the campaign, of Europe, of every minor state, and especially of Portugal, was at stake? If any rational man at that moment had been asked, whether the security of Portugal was most likely to be maintained by keeping these veteran forces in Egypt, or by suffering them to land in Italy, it is impossible to entertain a doubt with respect to his answer. The battle of Marengo was decided against the cause of Europe and the world; but let it be recollected, that that battle was nearly gained, and that cause which was so nearly balanced without the French army from Egypt, would have been rendered desperate had they arrived. Therefore, I say, that the measure which he wishes to connect with the state of Portugal for the purpose of criminating us, is, as far as it is connected with it, a proof of the good policy by which our conduct was governed. We never did cease, in any one period of this arduous contest, to give to our allies that assistance and encouragement which afforded them the best chance of saving themselves, and of affording security to Europe. We postponed the consideration of Egypt, though an object of great importance to us, as long as there was any chance of success in the general cause; but when the Austrians were defeated, though we lamented their reverses, we did not neglect our own interests, and the expedition to Egypt took place. — But the hon. gentleman thinks this proposal comes too late, and is too small for the purpose of affording effectual relief to Portugal. If that is really his opinion, he might censure ministers for not bringing it forward sooner; but he ought, if he was consistent with himself, to accelerate that which he thinks too tardy, and to increase that which he thinks too small, instead of opposing it altogether. The hon. gentleman thinks this sum is advanced to Portugal to induce her, against her judgment, to continue the contest This language has been used upon other occasions; but I think the explanation given by my noble friend, completely precludes the observation in the present instance. We do not desire Portugal, to brave danger; but we say, if for their own sakes they think it more wise, more manly, more dignified, and more safe to meet the danger, rather than to agree to

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unknown concession, indignity, and insult, then Great Britain will be true to her engagements; and though we absolve them from their promise to us, we will not make that absolution a mask for our avarice or our pusillanimity, as long as they have spirit and courage enough not to compromise with an oppressing and perfidious enemy.

Mr. *Jones* said:—Sir, when a disquietude, impelled by the fiercest of incentives, hunger, has pervaded the land; when a general murmuring almost prevails, on account of the terrible carnage in Egypt; when every man in these realms is crying out Peace! peace! I think it consistent with decency, I think it consistent with propriety, I think it consistent with loyalty, to resist voting 300,000*l.* to fill the coffers of Buonaparté. This money will come just in time to pay the invading army of the First Consul. I conjure the noble lord not to pass this horrible subsidy, I conjure the chancellor of the exchequer not to favour this system of subsidizing, at the end of a nine years war; I conjure him by the bloody ghost of the brave Abercromby; by the manes of the noble army of Martyrs in Egypt.

The motion was then agreed to.

Address for a Monument to Sir Ralph Abercromby.] May 18. On the motion of Mr. Chancellor Addington, the following Resolution was agreed to.

"Resolved, *nem. con.* That an humble Address be presented to his majesty, most humbly to desire his majesty, That he will be graciously pleased to give directions, that a monument be erected in the cathedral church of Saint Paul's, London, to the memory of the ever-lamented late commander in chief of his majesty's land forces on an expedition against the French on the coast of Egypt, lieut.-general the right hon. sir Ralph Abercromby, knight of the most honourable order of the Bath, who having surmounted, by consummate ability and valour, the obstacles opposed to his landing by local difficulties, and a powerful and well-prepared enemy, and having successfully established and maintained the successive positions necessary for conducting his further operation, resisted, with signal advantage, a desperate attack of chosen and veteran troops on the 21st of March 1801, when he received, early in the engagement, a mortal wound, but remained in the field, guiding by his direction, and animating by his presence, the brave troops under his command, till they had achieved the brilliant and important victory obtained on that memorable day; and to assure his majesty, that this House will make good the expense of erecting the said monument."

Vote of Thanks to General Hutchinson, Lord Keith, &c.] The following Resolutions were also agreed to, *nem. con.*

1. "That the thanks of this House be given to the hon. major general John Hely Hutchinson, second in command, major generals Eyre Coote, John Francis Craddock, the hon. George James Ludlow, John Moore, Richard earl of Cavan, the hon. Edward Finch, brigadier generals John Stuart, the hon. John Hope, John Doyle, Hildebrand Oakes, and Robert Lawson, and to the several officers who served in the army under the command of the late sir Ralph Abercromby, knight of the most honourable order of the Bath, for their splendid and heroic exertions in effecting a landing on the coast of Egypt in spite of local difficulties, and in the face of a powerful and well-prepared enemy, and in all their subsequent operations; particularly in resisting, with signal success, the desperate attack made upon them on the 21st of March 1801, and achieving the brilliant and important victory obtained on that memorable day.

2. "That this House doth highly approve of, and acknowledge, the distinguished regularity, discipline, coolness, and valour, displayed by the non-commissioned officers and private soldiers of the army serving under the command of the late lieutenant general sir Ralph Abercromby, knight of the most honourable order of the Bath, in the memorable and brilliant operations in Egypt; and that the same be signified to them by the commanders of the several corps, who are desired to thank them for their distinguished and exemplary conduct.

3. "That the thanks of this House be given to the right hon. admiral lord Keith, knight of the most honourable order of the Bath, for the distinguished zeal and ability with which he made his disposition for landing the British troops on the coast of Egypt, in spite of all the obstacles with which they had to encounter, and for the activity and exertion with which he aided and supported them

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in effecting their descent, and in carrying on their subsequent operations against the enemy.

4. "That the thanks of this House be given to rear admiral sir Richard Bickerton, bart., and to the several captains and officers in the fleet under the command of admiral lord Keith, for their cordial and effectual co-operation with the land forces in effecting their descent, and carrying on their operations, on the coast of Egypt.

5. "That this House doth highly approve of, and acknowledge, the service of the seamen and marines on board the ships under the command of admiral lord Keith, in the cordial and effectual assistance which they afforded to the land forces in their descent on the coast of Egypt, and in the subsequent operations against the enemy; and that the captains of the several ships do signify the same to their respective crews, and thank them for their meritorious conduct."

Debate in the Lords on Addison's Divorce Bill.] May 20. The House went into a committee on the Bill "to dissolve the marriage of Jane Campbell with Edward Addison, her now husband, and to enable her to marry again." The first enacting clause being read,

The Duke of *Clarence* said, he should simply move, that the clause be expunged. Mrs. Addison had made out so strong a case, that if any criminal conduct of a husband towards his wife could amount to a justification of her obtaining a divorce from him at the hands of the legislature, Mrs. Addison's was that very case; but when he considered the novelty of the legislature granting a divorce to a wife on complaint of adultery on the part of her husband, the infinite mischiefs it might lead to by encouraging the foulest collusions between married couples to obtain an effectual discharge from their marriage vows and connexions, and the effect the practice would have on the morals of society, he must resist the present application. Applications for divorce had so multiplied, that it was absolutely necessary to check them, and nothing could do so more effectually than to guard against the facility of its being obtained. For the reasons he had stated, he should move, "That the clause be expunged."

Lord *Thurlow* said, he had been excited by this bill to examine the whole subject of divorce as it stood at all periods of time, and under all circumstances: that he had considered the manner in which the crime of adultery was treated by the Levitical law, by the Mosaic institutions, and by the gospel; that he found, in all of them, that a woman might be put away by her husband for adultery, and there was no express injunction that a wife might not, on the same crime of adultery having been proved to have been committed by the husband, obtain a separation from him, nor was there any prohibition to restrain the parties from marrying again. He stated, that marriage was originally instituted for the benefit of human kind, and for the comfort and happiness of social life. When, through any incompetency in the parties before marriage, it was afterwards found that the end and object of marriage was frustrated, it was wisely deemed expedient to separate the parties. In modern times, divorces had been granted by the legislature *à vinculo matrimonii*, upon proof of adultery of the wife; and the necessity of applying to the legislature for such a separation arose from the ecclesiastical court not feeling themselves warranted to do more than to grant a divorce *à mensa et thoro*, because the canons on which the practice of the ecclesiastical court was founded, restrained them to that species of divorce, which, in fact, was in one point of view sufficient, because it put an end to the marriage connexion, as there could be no farther cohabitation unless a reconciliation took place. But, in order to complete the whole form of the proceeding, it was usual for persons having obtained a divorce *à mensa et thoro* in the Commons, to apply to that House for a divorce *à vinculo matrimonii*; and he need not state that the House had on a variety of occasions passed bills of divorce. On all such occasions their lordships, with equal equity and justice, governed their conduct by the peculiar circumstances of each particular case that came under their consideration. Indeed, he knew not how they could act otherwise, because he knew of no rule to direct their conduct in respect to divorce, or to limit the wisdom and discretion of the House. Where was he to look for such a rule? Was it to be found in the common law? Was it prescribed by special statute? Was it enforced by reason, by common sense, by morality or religion? No such thing. On the present occasion what was the nature of the

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grea objection to granting the petitioner, a deeply-injured wife, the divorce she prayed for?—a principle of mistrust of themselves, and a doubt lest they should, on any future application by a wife for a divorce, not conduct themselves with sound discretion. Was such a mistrust to be gravely argued as a sufficient reason to justify a house of parliament, with evidence before them that amounted to undeniable conviction of the truth of the criminal charges alleged, in refusing justice to a petitioner standing under the circumstances in which Mrs. Addison stood at their bar? Let those circumstances be duly weighed and considered—Mrs. Addison complained of her husband, not merely on the ground of adultery, but on the aggravated ground of an incestuous adultery. Let their lordships suppose, by way of illustration of the effect of an incestuous intercourse, that Mr. Addison had carried on a criminal connexion with Mrs. Addison's sister previous to his marriage with Mrs. Addison:—in that case he could not have contracted marriage with his present wife, because such marriage would have been tainted with incest, and, if entered into, would have been pronounced by the ecclesiastical court void in itself. Look, then, to the case as it actually stood:—in divorces, expectations were sometimes formed that a reconciliation might take place between the parties; but in this case, were Mrs. Addison ever so much inclined to forgive her husband, a reconciliation could not legally take place, because a future connexion between them as man and wife would be tainted with incest. Mrs. Addison had obtained a divorce *à mensa et thoro* from the ecclesiastical court, and prayed the House to complete the form of the proceeding by granting her a divorce *à vinculo matrimonii;* and could their lordships, after what they had heard upon oath at their bar, refuse the request? Did they see nothing immoral in compelling Mrs. Addison, after what had passed, to remain connected and under the power of her husband? A noble lord who sat near him, (lord Auckland), had suggested a case which might have been brought to their lordships' bar, though it ended otherwise; and that was the well-known case of lord Audley, who had been guilty of an injury to his lady of a still deeper dye. He had compelled his menial servant to commit a rape on his lady, and had, at the same time, committed an unnatural crime upon his servant himself. Supposing that, in that instance, the lady had petitioned the House for a divorce bill, would their lordships have refused the prayer of such a petitioner? This case of Mrs. Addison certainly fell short of that of lady Audley; but, nevertheless, it was in every point of view so flagrant and so enormous, and at the same time so widely distinct in its nature and circumstances from those that might hereafter form the ground of any future application for a divorce by a wife complaining of her husband, that it appeared to his mind utterly irreconcilable to every principle of justice, for their lordships to rest upon an unwise mistrust of themselves in any future case, and refuse the divorce. Another ground he would just mention why the bill ought to pass the committee; he understood that Mrs. Addison had children, one of them a female. By the law of England, all children were under the authority and power of their father, unless a special legislative prohibition took them out of his power. Now, their lordships must all agree, that such a father as Mr. Addison had proved himself to be, was unfit to be entrusted with the education of an innocent and virtuous daughter. On these considerations, and as no reconciliation between the husband and wife could be legally made, and the end and object of marriage was already decided, he should vote for the clause standing a part of the bill.

The *Lord Chancellor* (Eldon) said, that the public were highly indebted to the learned lord for the very able manner in which he had laid down the law of divorce, and the sound arguments that he had raised upon it. He must confess that his mind and opinion upon the present case had been greatly affected by the new light in which his learned friend had placed it. He had formed an opinion after much consideration, which went to the opposite of the conclusions of his learned friend; but as his learned friend had pointed out, plainly and explicitly, that the end and object of marriage was in this case concluded irrecoverably—that no reconciliation could be hoped for, because any reconciliation would be illegal, from the act of adultery committed having been an act of incestuous adultery, he should feel little difficulty in giving way to the greater wisdom, experience, and judgment of his learned friend; as he was now satisfied that the divorce, in the present instance, from the

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specialties of the case, stood manifestly contradistinguished from any other application by a wife for a divorce that was likely to be brought before the House, and that the bill might pass without operating as a dangerous precedent. At the same time, however, he must retain his opinion, that upon an application by a wife, on the adultery of her husband, for a divorce, the application resting upon that simple and distinct ground, ought, for the sake of securing the morals of the public, to be resisted and refused. It was to be considered, that adultery committed by a wife, and adultery committed by her husband, were widely different in their consequences. The adultery of a wife might impose a spurious issue upon the husband, which he might be called upon to dedicate a part of his fortune to educate and provide for; whereas no such injustice could result to his wife, from the adultery of a married man; and in many cases, not only a reconciliation might be brought about, but it became the especial duty of a wife to forgive her husband's misconduct, from motives of tenderness, and concern to the interests of his innocent children.

The Earl of *Rosslyn* also confessed his obligations to the learned lord, for the clear light in which he had placed the present case. He owned that he had entertained great scruples respecting it, and thought it might establish a dangerous precedent, if suffered to pass; because, it had not occurred to his mind, that a reconciliation could not legally take place. Applications for divorce bills had, of late years, been so frequently introduced, that they had been considered almost as mere matters of course. It was highly necessary, therefore, to check their progress, and, if possible, to resist the torrent that threatened to bear down all morality and virtue. With regard to the present bill, his doubts were in a great measure removed; it stood upon strong special grounds and might safely pass.

Lord *Auckland* said, that the speeches of his learned friend had relieved him from the necessity of attempting to urge arguments which had been stated with infinitely more energy and effect than they could possibly receive from him. But certainly he might claim some merit with their lordships for having prevailed on them, a few days ago, to postpone the debate for the purpose of learning the sentiments of the venerable peer (lord Thurlow) whose reasonings and eloquence had carried convictions to the bosoms of all who had heard him. When Mrs. Addison's application for a divorce was first made to the House, he (lord A.) had seen it with real concern; both because the agitation of such subjects was at all times disgusting to him, and because the exhibition and details of domestic profligacy at their lordships bar had a tendency to corrupt the hearts and morals of the community. But when he found that the discussion could not be avoided, it became his duty to attend to it with an earnest wish to bring it to such a decision as might leave no doubt on good and unsophisticated minds. The injury complained of had been fully proved; its criminality was manifest; its atrociousness was acknowledged. To him it had appeared impossible to refuse a bill of relief in a case so circumstanced. But he had hesitated from deference to others who had expressed an opinion that the passing of such a bill was a novelty of a dangerous nature, and might open a door for many collusions. In fact, the whole system of parliamentary divorces is in some degree novel: for there had not been more than four or five instances before the commencement of the eighteenth century. But so long ago as in the earl of Northampton's case, a question had been stated by archbishop Cranmer, and the high court of delegates to the civilians; "Utrum maritus propter adulterium ab uxore casta possit repudiari?" The question not being revelant to the case in question, received no answer. It has however been, at all times, the practice of protestant countries to give divorces to women on the same grounds as to men. Such is the practice in Holland and in Scotland; and it did not appear to have been productive of abuse in either country. And in our own ecclesiastical courts, the wife is entitled to claim a divorce *à mensâ et thoro* in the same manner as the husband. He would admit that, for obvious reasons, conjugal fidelity on the part of the men is less essential to the interests of society than it is on the part of the women. And the general impression of this truth would have its effect in all venial cases. Still, however, it had been urged, that the bill in question, if passed into a law, might open a new door for collusive divorces. It was an unmanly supposition. It seemed to imply that their lordships could not trust themselves with the exercise of the powers entrusted to them by the consti-

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tution. It betrayed a diffidence in their own wisdom and integrity. He should be sincerely glad to see the dispensation of divorces transferred to a special tribunal; but until such a change could be accomplished, he should examine strictly and separately, every case which might be brought; and his judgment would be decided by the merits or demerits of the proofs which might be adduced.—In the present case it appeared in full evidence that a virtuous woman, the petitioner, had been driven from her husband's house by the crime, on his part, of a double and incestuous adultery with her sister, a married woman. It was impossible that any reconciliation could take place. The mind recoiled at the mere suggestion. Would their lordships then say to the petitioner, "if you had committed adultery under circumstances comparatively venial, your husband should have had a divorce; we would have given relief to him; and we would have consigned you to infamy and to beggary. But whatever may be the accumulated criminality on your husband's part, you have recourse to us in vain; we give no relief to the sex most entitled to our protection; you shall either return to the incestuous bed of your husband, or you shall be condemned to penury, to sorrow, and to solitude." Would such language be consonant to our holy religion? Could it be reconciled to any notions of justice? Could it tend to promote the sanctity of marriage and the morals of society? Could it be alleged to carry with it any trace or shadow of a principle? If such a decision should prevail, it would follow, that women could not have the remedy of divorce in any possible case. He had often expressed his objection to parliamentary divorces as being partial, and within the reach of the opulent only. But if the bill in question should be rejected, the partiality of this remedial proceeding would be more gross and objectionable than ever.—He again deprecated the notion that a just claim should be put aside, because it might become a precedent for unjust claims. He was, nevertheless, ready to adopt the suggestion of his learned friend, who had remarked that the circumstance of an incestuous adultery, might induce parliament to do what would not be done in a common case. The present bill might be confined to the special case of an incestuous adultery. The distinction would also mark the exemplary sense of parliament respecting a crime of which our favourite poet speaks with just indignation, when he says of it, that it

> "Makes marriage vows
> As false as dicers oaths. O! such a deed
> As from the body of the contract plucks
> The very soul; and sweet religion makes
> A rhapsody of words."

The Duke of *Clarence* owned that his opinion was much altered in consequence of what he had heard; but he must be allowed to have had weighty reasons for what he had felt and expressed, as the same reasons that had impressed his mind had impressed that of the learned lord on the woolsack. He concluded with begging leave to withdraw his motion.

The clause was then agreed to.

Debate on Mr. Jones's Motion relative to the Convention for the Evacuation of Egypt.] June 2. Mr. *Jones* said:—Mr. Speaker; I stand up this day to rescue, if possible, the good faith of the country from the imputation which Europe has thrown out against it. Having given a full and incontrovertible statement of this subject, I shall be very brief this day; and my object will be, to lay bare the present state of Egypt and Europe, since the instructions, given 15th December, 1799, to lord Keith, and then address his majesty to give up the adviser of that fatal measure. Before I proceed farther, I beg to call the attention of the House to the captor of El-Arish, and I am sure that the name of sir John Douglas will be grateful to every British ear. He was sent home as the glorious captor of El-Arish, by sir Sidney Smith, to communicate to the ex-ministers the glorious convention for the total evacuation of Egypt, and which was considered by sir Sidney, and very truly too, a most advantageous circumstance, and which I again call an act of great and grand diplomacy. No man now doubts the powers of sir Sidney. Various excuses have been made by ex-ministers on my different motions; but not one that has had the least semblance of reason. If ministers, in 1799, dreaded an invasion of Italy by the French, why did they refuse to treat with the first consul? Besides, by the articles of the convention, the conditions were, that the troops were to return to France. Now, look at the state of Europe since the date of the instructions to break the convention. Our ally, Austria, has made peace; Prussia has seized the electorate of Ha-

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nover, and its treasures; the armed neutrality is not dissolved; indeed, from the present aspect of affairs, I think I may defy the noble lord to say that we are not involved in a Baltic war, and I refer the House to the manifesto of Von der Pahlen to sir Hyde Parker.—Portugal is subsidised, and, perhaps, has sunk under the dominion of the French republic; in consequence of the troops which might have defended her being detached to Egypt. But, what is still worse, our best troops are sent to Egypt, when we are in daily dread of an invasion. England is thus stripped of her defence. I hear that 10,000 men are ordered to Egypt. Let gentlemen only recollect the two last sanguinary gazettes, and then reflect on the breach of the convention. A very general murmuring prevails through the land in consequence; and every village, every hamlet, has to lament the loss of some fellow-subjects and relatives. The ex-ministers have made Egypt, which was on the point of being the haven of peace, the theatre of war; they have made Egypt, which has been called a land of promise, a house of bondage. But, Sir, what is the situation of our army at this moment in Egypt? In the first place, our army is mostly without tents, and without surgeons. Where is the Suez army, so often said to have arrived in Egypt? Is it there? The next thing is, our cavalry are mounted at a most expensive rate. It was said, after the battle of the 21st of March, that Egypt was ours; but as yet we have no such good fortune. At all events, if we should ultimately gain Egypt, the danger and probable loss of Portugal must not be forgotten. On the determination of the ex-minister to absent himself on this occasion, I shall only say, in the words of Cicero, "Tandem aliquando vel emisimus vel ejecimus, vel ipsum egredientem ex urbe verbis persecuti sumus." My object is, to clear the national honour, and character, and faith, all violated by the breach of the convention of El-Arish. I now move, Sir, "That an humble Address be presented to his majesty, that he will be graciously pleased to communicate to his faithful Commons, by whose advice 'Instructions dated 15th December, 1799, 'were given to the commander-in-chief 'of his majesty's fleet in the Mediterranean, enjoining him not to consent, on 'any account, to the return of the French 'army to France, or to their capitulating 'in any other manner than jointly to the 'allied powers, whose forces were employed against them; or upon any other 'terms than that of giving up their arms, 'and surrendering as prisoners of war to 'the allied powers so employed; and on 'no account to consent to the return of 'the French army in Egypt to France, or to 'their capitulating, excepting on conditions 'above stipulated;' whereby his faithful Commons humbly conceive that the grand object of peace has been postponed, and the seat of this calamitous, unfortunate, and expensive war, has been transferred to the very distant coasts of Egypt, where there has already been a prodigious expenditure of English treasure and of English blood; and this at a time when the hostile preparations in the ports of France threatened an invasion of these realms, and when our good and old ally Portugal is about to sink under the dominion of the French republic, in consequence of that army, which might have defended Portugal, being detached to Egypt; and moreover, when the dangerous question of the searching neutral ships has raised up a new Baltic war, and when Prussia has seized on the electorate of Hanover and its treasures; and all these unfortunate and alarming circumstances, his faithful Commons humbly conceive, grew out of the breach of the convention of El-Arish; and furthermore, with the most loyal attachment and affectionate consideration, his faithful Commons humbly conceive, that by the issuing these said instructions, a dreadful consequence might arise to the Indian empire, and that it may fall into irretrievable ruin, and, in its fall, may crush the credit and destroy the revenue of this country; whereby, at this alarming crisis, big with the destinies of the world, the laws of humanity and the laws of nations have been grossly violated, his majesty's government degraded, and the policy, character, and faith of this renowned empire rendered contemptible in the eyes of all Europe."

Lord *Hawkesbury* said, that the arguments of the hon. gentleman had been so often answered, that he should think he took up the time of the House improperly, if he entered upon the subject, and thereby delayed the House from the consideration of the other important public business which stood for this day. He should therefore vote against the motion.

Mr. *Windham* said, that before the

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hon. gentleman could succeed in his motion, there were two points which it would be necessary for him to maintain. In the first place, it would be necessary for the hon. gentleman to show that the decision of ministers was, at the time it was made, unwise and improper; and, supposing the decision to have been wrong, then that the consequences were such as had been stated. If the hon. gentleman failed in establishing the first point, there was an end of the question; because, if it appeared that the decision was proper under all the circumstances at the time it was made, ministers could, upon no fair reasoning, be considered censurable for the consequences, however unfortunate they might be. With regard to the first point then, he should only say a very few words. At the time that decision was made, he thought it was right; and he now, after maturely considering all the circumstances, was of the same opinion. In defending the conduct of the late ministers upon that occasion, he contended, that among other advantages derived from it, it had added much to the character of the country; and therefore he was not a little surprised to hear the hon. gentleman state, as one of his objections to the measure, that it had injured our national reputation. In order to show that our national character had been injured, the hon. gentleman had contended that we had broken our faith with our allies—he supposed by allies he meant the Turks; but the hon. gentleman should recollect that we had other allies, viz. the Austrians; and what would they have said, if, at a moment when they were contending in Italy against the French with forces so equally balanced that the contest was at last decided by a battle, or rather by a fraction of a battle (for three-fourths of the battle was in favour of the Austrians), what would they have said, if, when matters were so nearly balanced, we had suffered 15,000 or more of the best troops of France to have been thrown into the scale against them? It had been stated, that the French would have been landed in France, not in Italy; but that would only make a difference of about three weeks; for they certainly would have been marched into Italy. But by acting in the manner in which the government of this country acted upon that occasion, we had shown the world, that we preferred a strict adherence to our public faith, to any advantages, however great, which we might gain by a violation of it. This, then, was one of the advantages which we had gained by our decision upon that occasion. This alone was most material; but it was not all—we had since obtained other compensations. No man certainly could enter into a comparison of the value of the lives of men, and the glory and advantages which we might obtain at such an expense; but, the loss having been incurred, it certainly was proper to consider the advantages that we had obtained. It would not, he supposed, be contended, that the reputation of a country did not constitute part of its strength, particularly in the present times. It did so happen, that since the commencement of that system which was to make all men brethren, and consequently to introduce universal peace among mankind, war seemed to have become the whole business of life; since the time that arms and warfare were to be laid aside for ever, the whole of Europe had become as it were one camp. It did so happen, that the very people who first introduced this system of universal peace, immediately formed themselves into a nation of armed robbers, and made war upon all their neighbours solely for the purposes of plunder; and no nation was safe that did not immediately convert itself into a nation of soldiers. This being the case, he could not but think that the military reputation of a country was now more important than it ever was in former times; because France, which was always one of the most warlike states in Europe, had now become more so than ever. He therefore never liked those who, while they put no bounds to their eulogiums on the military merit of France, at the same time held a very different language to this country. We were advised not to hope to form an army, and almost to renounce the use of arms. It always appeared to him, that thus to exalt the merit of the enemy, and to depress the spirit of the people of this country, was (to use no harsher expression) very unseasonable. If every country would do the same, and renounce arms for ever, it would certainly be fortunate for mankind; but while we had an armed nation at our door, such as France was, those who advised us to diminish our means of defence, must be either so stupid or so depraved, that all attempts to convince them must be hopeless. When we considered the effect which the recent events

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in Egypt must have upon our military, it could not but be observed, that it was perhaps more necessary now than at any former period. We could not dissemble from ourselves, that while our naval glory had been great beyond all former example, it became, somehow or other, a fashion to depress the military character of the country. Every traitor in this country willingly took up the notion, and propagated it with activity and pleasure; it even gained ground among foreign nations, who were either actuated by a love of wonder, or perhaps they could not look upon our unexampled naval successes without feeling something like envy; and therefore it was said, that though we had, by some means or other, got a knack of conquering by sea, yet that at land we were inferior to the French. There certainly were some causes that led people in this country to entertain that opinion; and one was, the state and condition of the army. He did not mean to say, that our army, in its worst state, was superior to any other army in Europe; but he would contend, that, for a certain species of service, they certainly were inferior to no troops in the world. One reason why our army was not in every respect so good as some of the troops upon the continent was, that our establishment before the war, was so low, that we had, as it were, to make up an army on a sudden. Then the great mortality which was occasioned by unwholesome climates was to be taken into consideration; so that, in point of fact, our army had always been composed, if he might use the expression, of raw materials. If we looked to the expedition which was sent to Holland, every gentleman must know the manner in which that army was formed; but he believed that those who would be inclined to speak the most in its praise, were those who had to contend against it; and though that expedition failed in some of its objects, yet upon every occasion in which our troops were engaged in that country, whether in offensive or defensive operations, they were always successful. Notwithstanding this, the circumstances of the war did certainly throw a kind of shade over our army. The glory of our navy was so great, that every other service was overlooked; all our attention was engaged on one side; and we were, as it were, lame of one leg. It was under these circumstances that the events in Eygypt occurred. Whole wars might pass over without affording an opportunity of fairly measuring our strength with the enemy. But in Egypt the very scene seemed to be chosen for a fair trial of strength—the two armies seemed as it were to be withdrawn from the world. They were both left without any other resource than that which they could draw from their own courage and discipline; they had no allies to share the merit of victory, or bear the disgrace of defeat. Their motto seemed to be "*Væ Victis!*" and all they asked was a clear stage, and no favour. Who were those that we conquered? not Greeks or Copts, Batavians nor Cisalpines, who have been found to recruit these armies by which they had been conquered; but the tried, the chosen, the best troops of France: we were contending with the pride and glory of the republic, with troops whom the French themselves would have chosen as the depositaries of their military character. He would not say that those we had beaten were the best of those troops who had been sent to Egypt; but undoubtedly, having remained the longest, they had more of that character which is supposed to belong to veterans. We knew what they thought of themselves—we knew that they boasted that they would destroy us if they once caught us out of our ships; but, like the young and untried Orlando, we overthrew the experienced wrestler; and he might say, that upon this occasion we had given them a Rowland for their Oliver. He would not say, that "no one would entreat them to another encounter." He would not do the French army in Egypt injustice: he did not doubt but that they would venture another encounter; he would not say that fortune might not be favourable to them in it; but this he would say, that from this time forth no French army would ever meet an English army with any thing like feelings of contempt; they would know that they could not rely upon any superiority of courage or discipline.—He thought he had a right to urge all these to the House as compensations for our losses. We might sustain still greater ones, the expedition might (which God forbid!) ultimately fail; for no man could say that we were out of fortune's reach; but whatever the event might be, it could not take from us our glory; in that respect we were out of the reach of chance. He did not urge these considerations as a justification of the conduct of ministers, but as compensa-

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tions for the losses we had sustained. He was glad the subject had been introduced, because it gave him an opportunity of making these few observations, and of doing justice to the military character of the country. This was a subject upon which our children and grand-children would dwell with pride—they would talk of Egypt and of Abercromby with as much exultation as we had been accustomed, till these degenerate days, to speak of Cressy and of Agincourt; but this was not all, the enemy might attempt to invade us, to endeavour to do that which he believed was their object from the commencement of the war, viz. to effect our ruin; in such a case, would our achievements in Egypt have no effect in inspiring the people of England with confidence, and throwing a damp upon the enemy? The French were confident, because they had been generally successful; "Possunt quia posse videntur." He was sorry to say, that among many people in this country, the common language was, "The French are invincible, no troops can meet them in the field, our army cannot stand before them; we must lay down our arms, and throw ourselves upon the tender mercies of our enemy:" such language had been used, and would be used by those who considered the cause of France as their own. But those who had been led to despond by weakly overrating the power of the enemy, and under-valuing our own, would henceforth entertain no doubt about the valour and discipline of the British troops. With respect to the subject now before the House, he felt no anxiety; every argument that had been advanced had been repeatedly answered.

Mr. *Grey* said, that nobody could think more highly of our troops than he did; yet he could not but lament that they should be employed in such a contest, when, if the convention of El Arish had been observed, it would have been unnecessary to have sent them to Egypt at all. If it was indispensable that we should try our strength with the French, was it necessary to go to Egypt for that purpose? If a theatre was wanting, might they not have been employed in Portugal? Much had been said about our good faith, and the precarious situation of affairs in Italy, when the order was sent out not to suffer the French to leave Egypt; but it should be recollected, that those orders were sent out in December, and that at that time the French were not supposed to be able to resist the allies in Italy. But if we owed good faith to the Austrians, we also owed it to the Turks; and in breaking the convention of El Arish, we neither showed good faith nor policy.

Mr. *Pitt* said, that if the object of the hon. gentleman was, to know who were the advisers of the measure, some trouble might be saved, for neither he nor his right hon. friend (Mr. Dundas) had any hesitation in stating that they were two of the persons who advised it. The hon. gentleman who spoke last seemed to have totally misconceived his right hon. friend in supposing him to have said, that an expedition was to be made merely for the sake of exercising the valour of the troops, since his right hon. friend had only adverted to the fair contest which had taken place in Egypt between the valour of the troops of both nations. The hon. gentleman, however, seemed to think our troops might have been better employed in Portugal, where the French army was sure to receive constant reinforcements from France, as well as assistance from its ally, or rather humble dependant, Spain, than in Egypt, where the French army must fairly fight and conquer by dint of superior valour, or acknowledge themselves defeated by the bravery and skill of English soldiers. It had been said that if the French army had evacuated Egypt they would have been sent to France, and could not have been injurious to the allies; and yet it was allowed to have been extremely uncertain, at that time, whether France should conquer, or be invaded by the troops of Austria. How, then, was this contradiction to be reconciled? It was at least probable the Austrian army might invade France, and yet it was said 20,000 men would, by the convention of El Arish, only have been sent to France, where it must be at once evident they might have been of essential injury to the cause of the allies. Having briefly defended the conduct of ministers in sending the orders alluded to to lord Keith, he concluded by opposing the motion.

The House divided:

Tellers.

Yeas	Mr. Jones..... Mr. Robson.....	22
Noes	The Lord Hawkesbury Sir George Dallas.....	138

So it passed in the negative.

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The King's Message for establishing a Military College.] June 3. Mr. Chancellor Addington presented the following Message from his Majesty:

"GEORGE *R.*

"His Majesty thinks it proper to acquaint the House of Commons, that an establishment has been formed, under his majesty's directions, for promoting the study of military science. This institution, his majesty is persuaded, must conduce to the preservation and improvement of the skill and discipline which, combined with the native valour of British troops, have so often maintained the rights and asserted the honour of his kingdom. His majesty therefore recommends it to his faithful Commons to consider of making the provision that may be necessary for enabling his majesty to accomplish, in the most effectual manner, an object of so much national importance.

G. *R.*

Debate in the Commons on the Establishment of a Military College.] June 8. The House went into a committee of supply, for the purpose of taking into consideration his majesty's message.

The *Secretary at War* (Mr. Yorke) spoke to the following effect:—It is my duty to call the attention of the committee to the measure recommended by his majesty's message, which is one of very considerable importance to the British army. The proposition applies to the institution of a royal college or seminary for Military Instruction, comprehending as well the education of such young men as are, from early life, intended for the army, in the rudiments of military science, previous to their attaining the age which enables them to hold a commission, as the perfecting and forming a certain number of officers of maturer years, and riper experience, in the more arduous and important duties of their profession; I mean those which belong to the general staff of the army, and in particular to the quarter-master-general's department in the field. It is unnecessary to observe, that it is this department of the service that is particularly charged with all the combinations, movements, positions, and supplies of an army.—The papers and estimates which I presented to the House, will sufficiently explain the nature and details of the proposed institution. From these it will appear, that it is intended to consist of a senior and junior department; the first and most important of which will be occupied in the education of officers for the staff, and will include thirty officers, selected from the service, and recommended by their zeal and intelligence; grounded at least in the rudiments of their profession, and of an age capable of reflection. It is to this class more particularly that the chief military director and superintendant will devote their time, and apply their personal instructions; the nature and design of which, I presume, it will not be necessary for me to enlarge upon in this place, as the object to be attained will naturally suggest to every mind the mode and system of information necessary to be afforded and required. It will be sufficient, perhaps, to state that the plan of instruction for this class appears to have been conceived on the justest practical military principles; adapting itself particularly to the nature of ground actually under examination at the time; to the choice of camps and positions; to the best mode of occupying, attacking, or defending them with a given force; to the proper combination of all the component parts of an army; to its movements from place to place, either in advancing or retreating; and, among other essential acquirements, to the most ready and effectual means of affording assistance to the commanding general, in making his dispositions, by military plans, rapidly designed by the habitual accuracy of the eye, corrected by the scientific preparation and judgment of the mind. This plan of instruction, so described in its nature and details, has been already acted upon, and brought to maturity, by the very able and skilful general officer whose services in this line this country has at present the advantage of possessing (I mean general Jarry); first in the Prussian service, under the inspection and with the approbation of Frederick the Great; and latterly in this country, at High Wycombe (with the assistance of a very able and intelligent officer of our own, colonel Le Merchant), though on a very limited scale, in a manner the most useful and advantageous to the service. I must also observe, that this institution is nearly of the same sort and description with that which is now in use for the formation of staff officers in the Austrian, Prussian, and French armies; and that it has the advantage of having been examined and recommended by his Royal Highness the commander in chief,

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assisted by the quarter master and adjutant generals, and by a board of general officers of the highest reputation in the British army.—The second, or junior department, is intended to receive 300 young men, from the age of 14 to 16; 100 the sons of noblemen and gentlemen intended for the profession of arms; 50 cadets of the East India Company; 100 the sons of officers actually in his majesty's service; and 50 the sons of officers who have died or been disabled in the service, leaving families in distressed circumstances. For these, masters and professors of all the arts, sciences, and accomplishments relating to the military profession will be provided, of the descriptions, and under the details specified in the papers and estimates, to which I beg leave to refer for the particulars. It is further proposed, that as the establishment is intended to be entirely of a military nature, it shall be governed and regulated as a military body, by the rules and ordinances prescribed for the discipline of his majesty's service; with such additional regulations and restrictions as may be found necessary for the conduct of youth, and the good order of the institution.

Such being the nature and design of this institution, I conceive that the national benefits likely to arise from its adoption, are so obvious to every discerning mind, as not to require much elucidation from me. I am persuaded that there is no man, whose observation and experience had enabled him to form a tolerably correct judgment on the great events recorded in history, and particularly on those which have happened within the last eventful ten years, who can hesitate to decide, that if the situation of any country is such as to require an army (be it larger or smaller) for its defence, that army ought to be constituted not only upon the most economical plan, consistent with the service it is expected to perform, but upon the justest and most approved military principles; among the very first and most important of which, undoubtedly, is the scientific education and instruction of the officers who are to command and direct it; without which, zeal and bravery are of little comparative advantage, and discipline itself of no avail—if, indeed, discipline can be supposed to exist to any considerable extent, in an army which is deficient in skill and knowledge among the higher departments of its service, and consequently in respect and confidence among the lower. It is, indeed, a melancholy truth, but it is one founded in all experience and history, that war is a science. A dreadful and bloody science it is! but such is the state and condition of the human race, that it must be cultivated, to enable us to defend ourselves effectually against the ambition, the malice, and the envy of other nations. Little would it avail a nation to be eminent and flourishing in all the arts of peace; to excel in agriculture, manufactures, and commerce, and in the sciences connected with, and producing these advantages; to abound in wealth; to possess all the comforts and conveniences of civilized life, if it did not at the same time possess the skill and the knowledge, as well as the power and the spirit necessary to protect itself against those who would inevitably be excited, by their envy of such prosperity, to attack and destroy it at any favourable opportunity. In this view of the subject it must be acknowledged, that all those nations who have neglected or forgotten the military science, have by degrees sunk into the most deplorable state of abject and defenceless apathy; while others, by cultivating the art of war, have risen to the zenith of power. It must also be observed, that in proportion as a nation has found it necessary in its own defence to turn its attention to the art of war, and to habituate itself to its practice and discipline; it has been also found expedient to adopt institutions similar to that now proposed with a view to the preserving and diffusing a knowledge of the military science, and for instructing officers in all that it might be necessary for them to know. Such has been the uniform practice of the greatest military nations which have appeared in Europe. For it must be obvious to every understanding, that an army deficient in science must ever be inferior to one that is conversant with the theory and practice of it, whatever may be its composition or its numbers. Discipline and economy cannot be carried to perfection without science; and military economy is much more connected with military knowledge than one is at first inclined to imagine; for the latter, being necessarily conversant with all the details of professional expense, can with facility distinguish such as are necessary and useful, from such as are unnecessary and useless in the conduct of a campaign.

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Such being the result of general observation on this part of the subject, let me ask whether there is any thing in the local situation of Great Britain and Ireland, which can fairly be considered as rendering such an institution unnecessary or superfluous with regard to ourselves? It is perfectly true that our insular situation renders us, thank God for it! much less dependent on land operations, than the nations on the continent are; and the unexampled high state of preparation, discipline, and science, attained by our navy (justly considered undoubtedly as the right arm of the public force), has hitherto set us much more at our ease on this point, and naturally absorbed the greater proportion of the national attention and encouragement. But however just and reasonable may be the pride, satisfaction, and confidence we feel in contemplating the power and prowess of our navy, no prudent man has, I am sure, ever ventured to imagine—nor, after all the experience of various kinds we have had of late years (to which I will merely allude in passing), will ever be inclined to imagine again, that our fleet alone, however powerful and well directed, can be capable of itself, at all times and under all circumstances, effectually to cover all the immense and widely-scattered foreign possessions of this country from attack; or even to protect, in all seasons, the widely extended sea coasts of Great Britain and Ireland, at all points, from insult. Such being the case, it must be conceded to me, that some army is indisputably necessary for the defence of the British empire; and without entering at large into what the composition, the numbers, the system or the economical arrangement of it ought to be; or what the use to be made of it, under any possible combination of circumstances which might be supposed; this proposition I think may be asserted without the fear of contradiction, that the British army ought to be at all times in a state to contend effectually with every enemy that it may be its duty to encounter, and ought with that view to be formed and constituted upon the justest practical military principles; among which, as I have said before, the institution of its officers in the knowledge of military science is one of the first and most important. I must here observe, that in proportion as it is thought expedient to keep up a low military establishment in time of peace, and consequently to fill up our regiments and battalions with raw recruits, at the commencement, or during the progress of war, by so much the more necessary must it be, to take the utmost care to instruct the officers in the scientific knowledge of their profession, by every possible means, and by every practicable mode of encouragement.

It must be admitted, that the British army has for a long time in this respect laboured under many and great disadvantages. Much indeed, very much has been done for it of late years, by the gallant and illustrious prince now at its head, who has in a manner entirely renewed and re-created it within a very short period. Might I be allowed to indulge myself for a moment in paying a tribute of respect and gratitude, where I feel from my heart that it is due, I should be inclined to say, that nothing can exceed the zeal, the diligence the soldier-like frankness, the professional knowledge, and the patriotic views of that illustrious personage who is at once the protector of the deserving officer, and the soldier's friend. But the truth is, that there is scarcely room left to criticise any possible defects in the frame and system of the British army, when one contemplates the various excellencies and advantages which belong to the more intrinsic and material parts of its composition. Firmness, steadiness, perseverance, endurance; these are the characteristics of the British soldier;—zeal, alacrity, and enterprise; these are the characteristics of the British officer; common to both are loyalty and fidelity without a stain, combined with the most fearless and determined courage; the ancient and hereditary bravery of the British and Irish nations; "the unconquerable mind, and spirit never to submit or yield." I am indeed perfectly convinced that every honest man and true Briton will not fail to do complete and ample justice to the zeal, the gallantry, and the steadiness of the army. Such being its actual state and description, it is impossible for the most accurate judge of military affairs to wish that any thing should be added to it, except more frequent and effectual opportunities for the officers in general to become better acquainted with the scientific knowledge of their profession. The knowledge of experience many have possessed, and many undoubtedly do possess at this moment in a very considerable degree; and I am bold to say, that in no service in Europe have natural genius

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and intellectual energy been more conspicuously displayed than in the British service. Can we ever forget the honoured names of Marlborough, and Cadogan; of Amherst, and Wolfe; of Coote, and Erskine; of Stuart, and Abercromby? I name only some of those which are gone, to spare the modesty of many that are now alive. Great genius, and great abilities, will undoubtedly arise from time to time, capable of encountering and surmounting all difficulties; but the instances must be rare and fortuitous. It is to the institution of science alone, and to a just and well regulated system of military instruction, that the nation must look with confidence to a regular and constant supply of able general officers, qualified to ensure the public safety and defence. In this view of the subject, it is the system of modern British education in general that must be blamed and criticised, for not affording proper means and facilities to the zeal, the intelligence, and the thirst of knowledge of young men intended for the army, of acquiring the rudiments and foundations of science; without which they can never expect to arrive at the summit of the arduous and difficult profession to which they are destined. In the navy the case is widely different; young men are under the necessity of entering into that service at a very early age, and are obliged to acquire the habits of practice, at the same time with the institutions of science; without which the most ordinary details of the service cannot go on from day to day, it is further necessary for them to undergo a very serious public examination as to their sufficiency, in the presence of competent and rigid judges, before they can obtain a lieutenant's commission—the first and earliest object of their ambition. On the other hand, young men generally enter into the army at the age of sixteen and seventeen, the usual time of leaving the public schools; where in this country in general, nothing is taught but the rudiments of grammar, and a taste for the dead languages, with little or no attention to the principles of science, or philosophy of any kind; which are almost wholly referred to the universities at a later period; the advantages of which a young officer has very rarely an opportunity of possessing. There are, I believe few seminaries of any reputation in this country, where the principles of geometry, arithmetic, surveying, or even drawing, are taught in any scientific manner; and, in general, young men, even of the best education, and with the greatest advantages, leave school very little prepared in such respects. Under these circumstances they are placed in the army; and immediately called upon either to join their regiments on actual service, or in some foreign garrison or station, or perhaps in some distant country quarter. What opportunities, what assistance can be afforded in such situations, to the taste, the zeal, the intelligence, the desire of knowledge, which I doubt not is often carried into the service even at that early age, but which must in general be wasted and destroyed for want of cultivation? It is culture of this description which is the only thing wanting to the British army: give your officers a fair and effectual opportunity of acquiring the necessary science, and of applying it to the practice of their profession, and depend upon it they will show themselves on all occasions the worthy emulators of their brethren on the sea, and prove themselves equally entitled on every occasion to the respect, the gratitude, and the confidence of their country.

I must here beg leave to observe, that institutions of the nature and description of that which has been proposed, are by no means of a novel nature in this country: others now exist, framed for similar purposes, and supported at the public expense. I mean the royal naval academy in the arsenal at Portsmouth, and that for the cadets of the artillery and engineer services at Woolwich, which has very deservedly obtained a high reputation. This appears to have been originally established about the year 1740, when the artillery service began to excite more attention in Europe, and to be formed into a more correct and scientific system; and from very small beginnings, has attained its present importance, and well-deserved reputation. If the engineer and artillery services, which, however important, can only be considered with respect to a well composed army, as parts, and even subordinate parts, of one whole, require such an institution as that at Woolwich, for their instruction and formation, how much more then must the general staff department (whose business it is to direct and combine the operations, not only of the engineers and artillery, but of the cavalry, infantry, and light troops—and the whole detail of the movements, positions, and supplies of the army), demand that the

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officers who are destined to compose it, should be completely and profoundly skilled and informed in all the duties and mysteries of their profession? If these observations can be considered as applicable to the situation of Great Britain and Ireland in ordinary times, and under ordinary circumstances, how much more so must they be in the present extraordinary period of the world, when the whole system of Europe, and the balance of power (on which so much reliance was formerly placed for our preservation), is completely overturned from its very foundations? When our ancient and inveterate enemy, France, has perhaps acquired fourfold means of prosecuting her rancorous designs against us: when the warlike and threatening aspect with which this country appears to open upon us; when the multitudes of mischievous, malignant, and bloody dispositions, which surround us on all sides, perpetually brooding over speculations of plunder and massacre, of rebellion and destruction, present a formidable appearance even to the most steady and constant mind; when peace itself, the end and object of all the hopes and wishes of honest and reasonable men, presents to us at best nothing more than an armed, suspicious, and hollow truce:—when, to sum up the whole, the envy, hatred, and uncharitableness of almost the whole world, continues to persecute this country with unabated malice, because, through the blessing of Almighty Providence, it enjoys more liberty, more prosperity, and more happiness than most of its neighbours. When I say, all these things are come upon us, and we are indeed "fallen on evil days, and evil tongues," shall we not endeavour, by every practicable means, effectually to strengthen and confirm both the arms of the public force and security, and, by every possible exertion of prudence and policy, "to make assurance double sure, and tell pale-hearted fear it lies." For my own part, I am so perfectly convinced of the utility and necessity of some such institution as the present, that, should I be so happy as to succeed in persuading this committee, and the House, to the adoption of the measure, I shall ever consider it as fortunate for myself, that, after having been called to his majesty's service in a manner the most unexpected and unsolicited, and under circumstances very unpropitious and discouraging (I allude to the situation of public affairs at the time; and to the extraordinary genius and abilities of the right hon. gentleman whom it has been my fortune to succeed in office), I say, I shall ever consider it as a fortunate occurrence of my life, that I have been enabled to afford my feeble assistance to the establishment of a plan, which I verily believe is likely to produce the most beneficial effects upon the British army, and through its means, upon the general interests of the British empire.—Mr. Yorke concluded with moving, "That it is the opinion of this committee, that a sum not exceeding 30,000*l.* be granted to his majesty, on account of the purchase of land, and the construction of buildings, for a Royal Military College, being the sum that will probably be required for the said service in the year 1801."

Mr. *Jones* could not look upon a measure of this nature, which recommended the emulation of a system of continental policy, without a considerable degree of constitutional jealousy. He disliked every thing that tended to Germanize the English army.

Mr. *Wilberforce* said he highly approved of the measure. In proportion as he wished to see a small standing army, he wished to see that army well instructed and disciplined, and so as to render the most effectual service.

Mr. *O'Hara* said, that the true policy was to consider the soldier as a citizen, and that he might return at peace into the mass of his fellow-citizens; whereas to educate the children of soldiers for a military life might lead them to a different idea.

Dr. *Laurence* agreed that the soldier should not be considered as separated from the mass of the community. But the present measure was necessary at a time when Europe was assuming a military character, and military confederacies were forming. This country could never be expected to take a lead in the military counsels and confederacies of Europe, without the means of operating to that effect.

The Resolution was agreed to.

June 10. The resolution being reported to the House,

General *Walpole* expressed his disapprobation of the measure. He thought it entirely unnecessary, and that its only effect would be to increase the influence of the crown, and to destroy what remained

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of the constitution, by rendering the country altogether a military one. No such institution existed when the military fame of this country was at the highest, and when the duke of Marlborough conducted the British army to victory. In his opinion, it would be a much more becoming plan for ministers to give up the influence which accrued to them from the disposal of promotions in the army, and to advance officers solely on the ground of merit and services.

Colonel *Wood* allowed that the military glory of this country had been raised to the greatest height at different periods, when such an institution had no existence But now it was an armed nation with which we had to contend. He therefore would give the measure his support.

Mr. *Whitbread* objected also to the measure, on the ground that it would vest too much power and influence in the commander in chief.

Mr. *Grey* said, that gentlemen appeared to him to support the measure on a very partial principle. They argued for the utility of the institution, without adverting to the evils which must result from it. They had assumed its utility which he could not allow. The hon. gentleman has allowed the former glory of the army of this country when no such institution existed; but he has stated, that the power, skill, ambition and dangerous principles of the enemy require new means of security. Great as may be the discipline, courage and skill of the French army, I deny that they are greater than those of an army of the same nation formed under a Condé and Turenne, and commanded by a Villars, a Cattinat, and a Berwick. Is it, then the power of France which now gives this alarm? I allow that the power of that country has, by late events, been much augmented: but it is not greater than it was when the duke of Marlborough frustrated the ambitious views of Louis 14th. Is it, then, that the views of France against this country are of a more alarming nature than formerly? Perhaps, it will be said, that now that country aims at the destruction of our liberties and the overthrow of our religion. In reply, I would ask, what was the object most eagerly cherished and pursued by Louis 14? Was it not the establishment of arbitrary power and popery in this country, by restoring James the 2nd to its throne? In every respect France appears to my mind to have been as formidable to this country as she is now. But then it was never thought of meeting the danger by having recourse to such a measure as the present; then the defence of the country was left to rest on the independent spirit, the courage, and the zeal of the country itself. Let them now be left to rest on the same foundation, and the result will not be changed. Leave to the people their liberties, and there is no fear of their wanting the spirit to defend them. This is a more secure defence than military science, or skill in military tactics. But even for the improvement of officers in military science, I contend, that the present measure would not have such an effect as the emulation of individuals would have, were that encouraged, by a security being given for the reward of merit. If other professions are looked to, there is to be found no deficiency in skill, because the most meritorious is sure of receiving the greatest reward and encouragement. My main objection to the proposed measure, however, is founded on the danger to the constitution, with which it is pregnant; for I think that this measure as forming a part of a system, gives ground for strong suspicion that it is wished to render this a military country.

The resolution was then agreed to.

East India Budget.] June 12. The House having resolved itself into a Committee on the affairs of India,

Mr. *Dundas* rose and said:—A period of seventeen years has nearly elapsed, since the control over the affairs of the East India Company was placed in a Board of Commissioners. During the first eight years, the financial system relating to India only was the immediate object of annual investigation before parliament. On the renewal of the charter, in the year 1793, it was specially enacted, that the accounts, both foreign and home, should be brought under the same review. From the earliest period it has been my direct line of duty to attend particularly to the state of the finances, and to bring it forward, from time to time, for the consideration of the House. Of course, it has constantly been an object of my greatest solicitude, that every possible information should be regularly furnished on so important a branch of the British interests. I cannot, therefore, more satisfactorily wind up this part of my official duty, than by the opportunity which now presents itself, of submitting a compre-

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hensive and distinct view of the financial affairs, and fulfilling a promise made in the last year, to give some more extensive information as to the situation of the company in other essential relations. It is not my intention, in this place, to enter upon a recapitulation of past events, farther than as relating to a compliance with the directions of parliament with regard to the production of accounts. On this head, I must beg leave to observe, that, on the part of the court of directors, the most uniform attention has been implicitly paid to the prescriptions of the act. When omissions have occurred, it has been in consequence of disappointments in the receipts of the accounts from abroad; but whether those disappointments were occasioned by accident or other causes, measures were constantly adopted to prevent their recurrence, if possible. The success of those measures has been repeatedly manifested, but particularly in the last and in the present year. In the last year, the lapse of a few weeks only happened, and the accounts, in due order of date, were presented within the session. On the present occasion, the orders from home have met with the most prompt obedience by the several governments in India, whose energy and attention ensured the diligence of the subordinate departments; so that, with very small exception, the whole mass of documents, requisite to the customary investigation of this vast concern, has been received; and, but for the accidental detention of the ships, the statements would have been laid before the House precisely at the prescribed time. That period, has, however, only been exceeded a few days.

The accounts upon the table comprise recent information of the financial transactions of the company during the following periods. Those which may be termed foreign, for the year 1799-1800, with estimates for the year 1800-1801: the home for the year 1800-1801, with an estimate for the following year. Having closely looked into the detail of them respectively, I have great pleasure in repeating the observation often formerly made, that they remarkably exhibit the precision and accuracy which have always been conspicuous in the departments where they are prepared. The arrangement which I now propose will be exactly in the order practised for several years, as it appears best calculated to give the most distinct and clear idea of the whole concern in every point of view. It is as follows:—As to India, the average of the revenues of each presidency, compared with the average last drawn;—the actual accounts of the revenues and charges in the year, contrasted with the estimates;—the estimates for the next year; and, in both instances, a general result of the whole, in order to show the surplus or the deficiency of the receipts. The produce of the sale of imports from Europe will then be stated, when the amount forthcoming, as applicable to the purposes of commerce, will be ascertained. The sum actually applied to those purposes will next be shown; and the value of the cargoes actually shipped, with the charges incidental thereto. A comparison will then be made between the amount of the debts and assets, as stated in these accounts, and as stated in those of the last year.—As to the home accounts: the state of the trade, as shown by the account of sales, will be considered;—the actual receipt and expenditure of the year will be compared with the estimate, and the estimate of the following year noticed;—and lastly, the debts and assets, in like manner with those of India.—The principal object intended by this investigation, in a financial view, is to discover the real state of the whole concern at the conclusion of the year, or the effect produced upon it by the complicated transactions of government and commerce during the course of the year. This will be obtained under the order above proposed, by stating a combined view of the increase or decrease of the debts and assets both abroad and at home. It will be my endeavour, in the pursuit of the plan thus laid down, to afford such explanations as may appear requisite to the complete elucidation of the whole of the accounts, and to the removal of every appearance of intricacy; and having accomplished this detail, I shall finally request the attention of the committee to some further observations, partly suggested from the investigation of the statements, but chiefly designed to afford that species of information which I have given reason to expect, as to the general situation of the affairs of the company, in their most important relations.

Bengal.—The revenues and charges of the presidency of Bengal first claim the attention of the committee. They are stated in the accounts Nos. 1, 2, and 3. That numbered 1, shows the annual re-

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ceipts during the years 1797-8, 1788-9, and 1799-1800, which, on an average, is found to amount to 6,147,031*l.*, exceeding the average of the three years, 1796-7 to 1798-9, in the sum of 266,944*l.* Great satisfaction is derived from this circumstance. The average last adverted to exceeded that immediately preceding, principally from an increased receipt on the subsidy of Oude, in the year 1798-9. The large sum realized on this account, may, in some degree, affect the average now drawn; but the difference is likewise to be attributed to the increased produce of the company's own immediate resources in the last year of the account.

Omitting an average of the charges actually disbursed, as stated in No. 2, for reasons repeatedly assigned to the House, I proceed to the examination of the revenues and charges of the year 1799-1800, compared with the estimate, as they appear in the account No. 3. This mode of statement, with respect to the charges, seems, in every view, best calculated to afford the most correct information; because the charge immediately appertaining to the year is adjusted as nearly as possible; and it must appear evident, that in no other way can the comparison with the estimate be made with propriety, as the charges of the year only are therein reckoned upon. The revenues are estimated to amount to 6,196,733*l.*; their actual amount was 6,504,738*l.*; exceeding the estimate in the sum of 308,005*l.*

When the estimate was under the consideration of the committee last year, I was very sanguine in my hopes, that every expectation on the revenue side would be more than realized. From the present statement it will appear that my prospects were not visionary. In every item of the company's direct resources the estimate has been exceeded, while the only disappointment has been in the subsidy from Oude, which cannot properly be termed a defalcation, the stipulations of the treaty having been strictly adhered to. But at the time of forming the estimate it was expected that the whole of the additional subsidiary force would arrive at the appointed stations in the vizier's dominions, at an earlier period of the year than was actually the case: the sum receivable was therefore less. As more was paid for strengthening and repairing the forts than estimated, the nett difference amounted only to 44,273*l.* The aggregate amount of the excess upon the whole of the other items of revenue is 352,278*l.* as follows, viz. Mint duties, 7,228*l.* from the quantity of bullion sent for coinage by private individuals. Post-office collections, 1,758*l.* from the effect of new regulations in the department. Benares revenue, 29,075*l.* The prosperity of this district is remarkable. This is evidently proved, both by the realization of the permanent land rents, and by the increase of customs. Land revenues, 55,014*l.* The excess under this head cannot fail of affording real satisfaction to the committee. The gradual diminution in this most important branch of the resources, from the year 1794-5 to the year 1798-9, was observed by me with real concern. My anxiety on that head has repeatedly been expressed. I nevertheless did entertain hopes, from the continued attention of the government of Bengal, the company could not fail of reaping ultimately the benefits they had every reason to expect from the singular advantages conferred on the landholders by the permanent system. The necessity of some farther interior regulations was discovered, as formerly noticed. They have been made, and the happy effects have very soon become apparent. The estimated receipt has been exceeded in the demand for the current jumma, and for the balances; and with the exception of the year 1794-5, when the amount recovered on balances was considerable, the amount of the collection of the present year is unprecedented. Fees, &c. in the judicial department, 794*l.* Customs, 39,444*l.* The extent of this increase cannot be properly appreciated, without adverting to the amount estimated under this head, 93,960*l.* Part of it may certainly be attributed to the increased trade of the port of Calcutta; but it is chiefly owing to the improvements introduced in the administration of the department, and the talents and assiduity of the present collector. Salt, 46,768*l.* from the sale of a greater quantity at a more advantageous rate. Opium, 169,025*l.* The restoration of this resource has been anticipated, and was particularly noticed last year. The estimate was calculated on a very moderate scale. Although no doubt could be entertained of its being exceeded to a considerable amount, I was not sufficiently sanguine to expect so productive a sale. The advantages of the system under which this article is now provided have been completely manifested: the improvement of the quality occasioned an increased

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demand, and an advanced price in the Eastern markets. Some arrangements have likewise been made by the government, tending to give facility to the trade. Stamp duties 3,178*l.* Although the produce under this head does not yet amount to the expectations entertained when the duty was instituted, the progressive increase affords the hope of still farther improvement, and confirms the propriety of the measures adopted to give effect to the regulations.

Before proceeding to the discussion of the expenses, I must recall the attention of the committee to my remarks when the estimate was under consideration. I had then some fear that the estimated charges would be exceeded: I am concerned to find that those fears proved too well-founded. The charges, estimated to amount to 4,157,553*l.* actually amounted to 4,332,991*l.*; exceeding the estimate in the sum of 175,438*l.* The amount of the increase now stated is not very material, when that of the whole expenditure is taken into consideration; at least it is not such as to impeach the accuracy of the estimate. In some instances it has arisen from circumstances connected with the addition to the receipts; in others from contingencies, of which it is impracticable to make a correct estimate. In a few instances the charges have fallen short of the estimate. In both cases I shall submit explanations, confining myself to such items only where the variations have appeared to an amount requiring notice. Of those connected with the improvement of the resources, where an excess has taken place, are, the Mint charges 15,334*l.* The expense of this department is in proportion to the quantity of bullion coined, whether on account of the company or of private individuals. As in the latter case, particularly, a larger quantity was sent for coinage, as explained in the receipts the additional charge may in part be attributed to that circumstance. The excess in the charges of the customs is also of this description, but bears no proportion to the increased receipt, and must be attributed to the estimate having been taken too low. The advances and charges of the salt department, likewise, to the amount of 45,299*l.* from an increase of advances, in consequence of the greater quantity sold, and from an addition to the Aurung charges. Those heads in which the estimate has been exceeded, from contingent or other circumstances, are, the general charges of the civil department 54,634*l.* almost exclusively from the state of political affairs, and the great extension of those relations; from which the Durbar charges, and the expense of the embassies to native courts, have been considerably enhanced. Charges of the Adawluts and police 7,715*l.* principally from contingencies. Military charges, on the company's account, 179,825*l.* from raising additional corps, and from contingencies in consequence of the war. Marine charges 6,090*l.* A part of this excess is in the contingencies; also the addition of a pilot-vessel to the establishment. The gross amount of the excess beyond the estimate was 208,528*l.* The amount in which the expense has fallen short of the estimate is 33,091*l.* under the following heads: in the judicial department, the charges of the supreme court 4,615*l.* from reductions. Buildings and fortifications 4,676*l.* it being impossible to calculate with precision the disbursements under this head. Revenue charges 20,648*l.* from a decrease of expense in most of the districts. The decrease in the opium advances and charges 5,720*l.* and of the stamp-office charges 1,064*l.* do not require notice. The surplus of the actual receipts has been stated to amount to 308,005*l.* and the nett surplus of the actual charges to 175,438*l.* The excess of nett revenue, on a comparison with the estimate, will therefore be 132,567*l.* and the actual nett revenue of the presidency of Bengal, in the year 1799-1800, is 2,171,747*l.* which exceeds the nett revenue of the preceding year in the sum of 142,423*l.*

Estimates, 1800-1801.—On looking over these estimates, I have the satisfaction to remark, that the calculations appear to be made with caution. Notwithstanding the revenues immediately belonging to the company were so uncommonly productive in the last year, and, from their general appearance there was no reason to expect defalcation in any material amount, the expectations are stated on very moderate principles. In most of these instances, indeed, they are taken much below the receipt of the last year, and the charges are rated on a scale prescribed by the actual expense of that year, varying only from circumstances appearing fully to justify the grounds of the calculation. Hence a material difference may be expected between the result of the estimates and that of the actual

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accounts of the past year. The revenues are estimated in the last column of the account No. 1, to amount to 6,339,204*l.* and the charges in the last column of the account No. 2, 4,422,048*l.* making a nett estimated revenue of 1,917,156*l.* On a comparison with the actual accounts of the last year, the receipt in general is estimated at a less amount by 165,534*l.*; and the charge at a greater, by 89,057*l.*: but looking over the particular items in both instances, I find the variations very considerable. On the revenue-side, a less receipt is stated under most of the heads, amounting in the whole to 394,341*l.* and a greater on some, amounting to 228,807*l.* The same appears in the charges, although the excess is only to the amount above stated. A decrease, in some instances, is expected, amounting to 212,404*l.*; and an increase in others amounting to 301,461*l.*; an explanation is therefore requisite. As to the revenues, the articles in which a decrease is expected are numerous. The mint 6,068*l.* the great receipt of the last year having been partly contingent. Benares revenue. A less sum is expected by 50,883*l.* the collection of the last year having been much larger, not only from the realization of the whole of the current revenue, but from the recovery of the balance of the year preceding. The fluctuating part of this resource is likewise stated with caution. The land revenues are taken at a less amount by 88,190*l.* the estimate being calculated in reference to the actual collection of the past year, without reckoning on so large a sum on the recovery of balances; the balance left due being less than in the year before. Although the customs are estimated less by 3,484*l.* the amount is large compared with former years. The collections of the first four months appear to warrant the calculation here stated, and from the improvements already noticed, warrant also the expectation of the realization of the whole. The small difference from the last year may therefore be only ascribed to a care not to over-rate the prospects in this instance. By far the greatest defalcation is looked for in the receipt from the sales of salt. It amounts to 243,967*l.* The produce of the sales of salt is estimated on the selling prices: those prices have fallen unusually low at the beginning of the year, the calculation was made accordingly. As the subsequent sales were made on more favourable terms, it may reasonably be hoped that the estimate will be realized, if not exceeded. The articles on which a greater receipt is expected, are, The subsidy from Oude 192,210*l.* The larger receipt on this account is in consequence of further arrangements with the vizier, for the employment of a greater subsidiary force for the protection of his dominions. As this subject will be entered upon more at large hereafter, I shall only now state, that the receipt in this year does not comprise the whole sum which may ultimately be expected under the arrangement. The military charges of course, will be found to incur a proportionate increase. The expectation from the sales of opium is stated at 33,975*l.* more than realized last year, in consequence of the favourable accounts received from the eastern markets, of the increasing confidence of the purchasers and consumers in the quality of the article, under the present improved state of its manufacture. The demand is likewise expected to increase, from the arrangements of the government already noticed: but I am fearful that these expectations are rather over-rated. The stamp duties are taken at 2,622*l.* more. The expected effect of the new regulations passed in the year, might perhaps have justified a higher estimate; but as the operation does not fully take place till the month of October, it may probably have been thought prudent to calculate the receipt of a moderate amount. Previous to entering upon a minute examination of the charges, it is to be remarked, that if the two accounts are referred to, it will appear, notwithstanding the apparent increase, that those falling immediately to be defrayed from the company's revenues are in general expected to be less, and the great addition is occasioned by the force required under the engagements with the vizier. A smaller expense is estimated under the following heads: The Mint 12,550*l.* principally in the contingencies. Post-office and Benares in a small amount. The charges of the supreme court 8,735*l.* in consequence of retrenchments. The revenue charges 11,716*l.* some reductions having taken place, and others being expected. The charges on the customs 1,419*l.* from the estimate being taken the same as in the last year. Salt advances and charges 33,470*l.* The diminution of the sales will of course affect the charges, as far as regards the commission. The charges expected to be more than in the last year, are those at Lucknow, and of the

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civil department, generally amounting to 20,753*l.* occasioned, principally, by the enlarged political relations of the government. The military charges 120,709*l.* The force to be employed in the vizier's dominions is the sole cause of this increase. Indeed the charges to be defrayed by the company are estimated at near fourteen lacs, or 140,000*l.* below the amount of the last year, in consequence of a less demand for stores and contingencies, and the transfer of a part of the force into Oude, so that the whole addition chargeable to the vizier is 260,282*l.* This exceeds the additional receipt; but nothing is reckoned upon in this year for the repairs of fortifications. The expense of buildings is stated less by 6,416*l.* These expenses very commonly arise from contingent circumstances. The great charge of the last year was occasioned principally by the extensive repairs and additions to Allahabad, &c.: in the present year, by buildings at Calcutta, the council-house, &c.; and by the erection of cavalry cantonments. The additional advance for the opium must be attributed to the more extensive manufacture and sale. The result of this comparison is, that in consequence of a smaller amount being reckoned upon, on the revenue-side of the account, and of the prospect of an increase in the charges, the nett revenue of the presidency of Bengal, in the year 1800-1801, is estimated to be less than that of the preceding year by 254,591*l.* From the above observations it may be inferred, that I entertain little doubt of the realization of the revenues. My hope that the charges will not be exceeded, is founded on the knowledge that the Bengal government must be fully sensible of the absolute necessity of attention to economy in every practicable instance; so that there exists a reasonable prospect that the surplus revenue will not fall below the estimate."

MADRAS.—The revenues and charges of the precedency of Madras will next come under consideration: they are stated in the accounts numbered 4, 5, and 6. To pursue the examinatien of them on the same principle as those of Bengal, I shall first state the average of the revenues calculated on the years 1797-8, 1798-9, 1799-1800, and, as was done last year, exclude the revenues of Ceylon, and of the Dutch settlements. The receipt of the year 1799-1800, is considerably swelled by the acquisitions in Mysore. That article will likewise be excluded, as I do not deem it correct to add to the average by so large a receipt in one year only. On these principles the average of the years above stated will be found to amount to 1,968,815*l.* which is more than the average last drawn by 97,363*l.* The increase now stated is chiefly occasioned by the additional receipts from Tanjore, and from the Nizam; it is, however satisfactory to observe, that the realization of the company's revenues have likewise contributed to the production of it. As it has not been usual to state an average of the charges, I shall proceed to the examination of the actual accounts of the year 1799-1800, compared with the estimates, as shown in the account No. 6. The revenues were estimated to amount to 2,507,594*l.*; their actual amount was 2,822,536*l*; exceeding the estimate by 314,042*l.* When the estimate was under examination, it was remarked, that an accession of revenue was reckoned upon, amounting nearly to 400,000*l.* I have great satisfaction in finding, that, however apparently high those expectations might have been, the issue has proved them under-rated; for the productive receipts of the last year have been still further exceeded, to the amount of near 80,000*l.* beyond that above stated: but as the present object is a comparison with the estimate, my observations will be directed accordingly. The excess appearing on the post-office collections, and the land and sea customs, is occasioned, in the first instance, by the official regulations passed for the department; and in the latter, by the increase of the trade. The sum received under the head of Subsidy from Tanjore, was more than estimated by 97,872*l.* The estimate was calculated on the supposition of the receipt being, in part, on the footing of the former subsidy, and in part as a collection of the revenues of the assumed districts. A complete change has since taken place, by a new arrangement made with the present Rajah, whereby the exclusive management of the revenues of the country is placed in the company's revenue servants; the effect of which has been, that not only the inhabitants at large have acquired greater protection and advantage, but more has been realized on the collections. I shall have occasion to notice this subject more particularly in my concluding observations. The subsidy from Mysore, and the revenues from the conquered countries,

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have exceded the estimates 231,778*l.* The subsidy is at a fixed amount: the punctual payment of it is the whole to be expected. The excess has been produced by the revenues of the districts in the immediate possession of the company. The estimate was calculated on the principles prescribed by the schedule of their former rental; notwithstanding, by the report of an intelligent and well-informed officer, every reason existed for the expectation of their being ultimately more productive. At this early period, it was, however, prudent to calculate the receipt at a moderate amount. It is satisfactory to be able, so soon, to realize such signal advantages from the brilliant achievements of the year 1799; as it affords, likewise, an earnest of what may be looked for, when the country shall have fully recovered from the effects which must have been produced by the operation of the war. The excess on the land revenues is but small, 14,190*l.* Under the circumstances of some of the districts during this year, there is no ground for complaint on this head. The collection, compared with former years, is handsome, and affords a proof of the abilities and exertions of the revenue servants. The revenues of the Dutch settlements were more by 19,433*l.* the receipt from some of them not having been inserted in the estimate. The deficiency in the actual receipts calls for few remarks. Exclusive of the Nizam's subsidy, amounting to 68,346*l.* (the realization of which need not be doubted), the whole amounts only to 11,314*l.* of which 4,382*l.* is in the revenues of the ceded countries, and 5,808*l.* in the farms and licences. It is with great concern I find reason to observe, that the satisfactory inferences to be drawn from the inspection of the revenue-side of the account are considerably affected by that of the expenditure. The charges estimated to amount to 2,789,230*l.* actually amounted to 3,132,919*l.*; being an excess of 393,689*l.* It being my most anxious desire that all possible advantage should be derived from every accession of the revenue, the expenses are the subject of my watchful attention. The charge of the last year, from its being the height of the war, was necessarily enormous: its successful termination before the formation of the estimate, afforded the well-grounded expectation of a great diminution in this year, and the military expense alone was calculated at a less amount by 866,532*l.* A greater reduction was not under the then existing circumstances, to be looked for, as the army could not prudently be placed in cantonments till some months after the active operations had been concluded, and till the quiet of the conquered territories should be absolutely ascertained. The propriety of this measure was very soon manifested. A desperate adventurer collected a numerous banditti, partly from the remains of Tippoo's discomfited troops; and succeeded, at first, in his predatory incursions among the peaceable inhabitants of the country. It became necessary to march a considerable force against him, and to keep the army in readiness to deter any others from following his example. To this circumstance, principally, and to the augmentation of the establishment, may be attributed the chief part of the present excess; for the military charges alone were 307,112*l.* more than estimated. On most of the other heads of charge an increase has likewise occurred. In the Post-office charges 4,774*l.* from the expense attending the communication with the army in the civil charges 9,024*l.* from contingencies, the expense of an entertainment given to the nizam's minister, &c. In the charges on the revenues 14,153*l.*; and in the charges on the revenues of the ceded countries 9,675*l.* from Tuckavy advances; and contingencies of various descriptions; also on the assumed revenues of Tanjore 25,157*l.* in consequence of the new arrangement. The increase in the expense of Ceylon, and the Dutch settlements, and of the maintenance of the prisoners, is 46,126*l.* in supplies, &c. The only articles in which a decrease has appeared, are the buildings and fortifications, 17,194*l.*; and the charges and stipends in Mysore 5,139*l.*: the expenditure, in either instance, not having been requisite to the amount estimated. The general effect produced by these numerous variations is—the excess of the actual revenues beyond the estimate was 314,942*l.*; this sum deducted from the excess of the actual charge, amounting to 393,689*l.* shows the excess of the nett charge to be 78,747*l.* The actual surplus charge of this presidency, in the year 1799-1800, was 310,383*l.* which is less than the surplus charge of the preceding year by 1,124,083*l.*

Estimates, 1800, 1801.—It would have afforded me real gratification to have

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found it in my power to introduce the prospects of the next year in a more favourable view than the actual out-turn of the last. The resources, indeed, wear a most flattering appearance; but from various causes, which I shall explain, the charges are estimated at a greatly increased amount. The revenues, by the account No. 4, are estimated to produce 3,273,071*l.*; and the charges, by No. 5, to amount to 3,723,112*l.*; showing a nett charge of 450,041*l.* I have, as usual, attentively examined every item contained in these estimates. The estimated revenues are expected to exceed the actual of the last year by 450,535*l.*; this is the nett excess. On a few articles a less amount is stated: together, 37,270*l.* The charges are estimated at 590,193*l.* beyond those of the last year. This, also, is the nett excess; in some cases, a less expense being expected, amounting to 38,172*l.* Previous to entering upon the explanation of the particular grounds on which these estimates are calculated, it is proper to apprize the committee of an omission which has occurred in the preparation of the account transmitted from India. It having been determined to place the whole of the acquisitions from the country of Tippoo under the direct superintendance of the Madras government; the province of Malabar, hitherto under the Bombay government, was transferred accordingly. As both the revenues and charges of this province will be found excluded from the Bombay accounts, from the time of the transfer, they ought to have been taken in this estimate; but it is apprehended the circumstance has escaped the notice of the accountant at Madras. As to the charge, the fact is not positively ascertained; but with regard to the revenue, the auditor at the India-house has very properly noticed the omission, by a remark at the foot of the account; and has likewise stated, that the full amount to be received from the nizam has not been included; this, however, could not be inserted, as the treaty, from which the additional receipt is expected, was not ratified at the time of making the estimate. Those articles in which an increase is expected, in an amount requiring notice, are, the revenues from Tanjore, 114,578*l.*, which may be considered to arise from the full effect of the new arrangement, adverted to in the remarks on the actual accounts. The Mysore revenues 188,155*l.* The calculation, in this instance, appears warranted, as the receipt in the former year was only for ten months. The subsidy from the nizam 165,548*l.* in consequence of an agreement for an additional military force. A new treaty has since been concluded with his highness, as already mentioned, making over to the company extensive districts in lieu of the subsidy hitherto paid, from which, it is hoped considerable advantages will be derived, in every point of view. This subject will be illustrated more at large hereafter. A less receipt is expected from the Post-office collections, and from the customs. As, in both instances, these resources are of a fluctuating nature, it is prudent to state the expectations on a moderate scale. Of the expected increase in the charges, 438,792*l.* are in the military. On a close investigation of the detail of the expected military expenditure, I find that, in some respects, it is lessened. The field charges in Mysore are much less, and those more immediately chargeable to the war with Tippoo in the last year are done away. The increase has been occasioned by a variety of circumstances: the addition to the establishment, of one regiment of native cavalry, the increase of the artillery, two regiments of native infantry, and twelve companies of gun-lascars; by an increase of pay to the native officers and privates, from 1st July; from the expense preparatory to an expedition; and from other charges of different descriptions, in a smaller amount. The necessity of still more vigorous operations against the adventurer before noticed, has greatly enhanced the expense: this may be looked upon as a contingent charge, not likely to be incurred in future, the campaign having speedily ended in the destruction of the offender, and the defeat and dispersion of his adherents. The expense attending the collection of the revenues of Tanjore, is taken at a greater amount than the last year, by 94,620*l.* from the complete establishment of the new system in that country: and that in Mysore by 47,379*l.* from the further arrangements for the collections, and from the grant of allowances to persons for whom justice and policy required a provision to be made. On the whole, the nett charge of this presidency in the year 1800-1, is estimated to exceed that by the actual accounts of the last year by 139,658*l.* respecting which, I must take

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leave to observe, that from the immense acquisition of resource, a more favourable result might reasonably have been expected; and that, at least, the whole of the charges would have been defrayed by the revenue. The hope, however, may be indulged, when every arrangement in contemplation shall be completed, the finances of this presidency will assume a much more favourable aspect."

BOMBAY.—The revenues and charges of the presidency of Bombay, are stated in the accounts numbered 7, 8, and 9. The revenues of the years 1797-8, 1798-9, and 1799-1800, are stated in No. 7. The average collection of those three years amounted to 376,146*l.*, and exceeded the average last drawn by 33,242*l.* principally from the increase in the customs in the year 1799-1800, and the very productive collection of the revenues of the Malabar province in the two last years, but particularly the last. According to the plan adopted with regard to the accounts of the other presidencies, the attention of the committee is next required to the comparison of the revenues and charges of the year 1799-1800, as estimated, and as they appeared by the actual accounts. A reference to No. 9 will show that the revenues, estimated to amount to 368,366*l.* actually amounted to 415,663*l.* being an excess of 47,297*l.* The only deficient receipt is, in this year again, in the land revenues: it is below the estimate 2,997*l.* The defalcation is in the revenue of the current year, and it is expected that the arrear will be realized in the next year's collections. The subsidy from the rajah of Travancore has been realized, and an excess has arisen in all the other articles of revenue. On the customs, to the amount of 13,238*l.* in consequence of an additional one per cent laid generally to defray the expense of the augmentation of the marine establishment, for the express purpose of protecting the trade; and of an additional two per cent on the trade in the Persian and Arabian Gulphs, commuted for a commission formerly paid the chief of Surat. A trivial increase is exhibited under farms and licences; but the most satisfactory excess is in the collection of the revenues of the ceded countries: it amounted to 36,160*l.* The collection of last year was considerable: the estimate reckoned upon a still greater sum, from the expectation of the good effect of the wise and energetic measures adopted by the government to ensure the realization of the revenue. The clauses in the leases, empowering the government to take possession of the several districts when the renters failed in the fulfilment of their engagements, were enforced in every case where it appeared necessary, and the districts were placed under the direct management of the company's servants; from whose exertions the demands upon them were recovered, and the stipulated allowances were paid to the defaulters. The productive collection of the year may likewise be attributed to the further progress in the establishment of the company's authority, and to the successful operations in Mysore, from whence one constant cause of discontent has been effectually removed. The charges were estimated to amount to 1,450,476*l.*; their actual amount was 1,495,270*l.*; being more than the estimate 44,794*l.* This, as usual, is the nett excess of charge. In several instances the charges were less than estimated, to the amount of 50,841*l.* Those occasioning the excess amounted to 95,635*l.* Of the first, the military charges formed the greatest part: it was 40,312*l.* When the estimate was before the committee, it was intimated, that the calculation was made on the supposition that the army would remain in the field during the year. As that was not the case, the whole expense was not incurred, although the expense of extraordinaries was still very considerable. The expense of buildings and fortifications was less by 8,834*l.* the favourable alteration in circumstances having rendered unnecessary so considerable an expenditure. The increase in the revenue expenses 1,695*l.* arises from an additional appointment of collector at Salsette. The instances where the estimate has been exceeded are as follow, viz. Civil charges 15,932*l.* The excess, in this instance, arises from various causes; embassies to native courts, particularly to Persia and Mocha; the establishment of a press; the institution of a court of Adawlut for Salsette and Bombay; and other circumstances too minute to be here specified. The greatest excess, by far, is in the marine charges. It amounted to 64,221*l.* and is partly occasioned by the regulations newly ordered by the court of directors for this department, by which a marine board is established for the general superintendance, and the officers of this useful branch of the service are placed on a more res-

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pectable footing. These expenses have been likewise much increased by the outfit of vessels for some important services required in the year. The expenditure of stores for the outfit of cruisers appears very great, although they are stated to have been unavoidable. The government of Bombay have very laudably paid a proper attention to these circumstances, and taken such measures as may be expected to keep the charges within due bounds. The last article in the excess of charge is the expense of the collection of the revenues in the ceded countries, to the amount of 15,482*l.* and arises, in part, from the allowances to the dispossessed Malabar rajahs, as noticed under the revenues. Deducting the excess of charge, amounting to 44,794*l.* from the excess of revenue, which was 47,297*l.* the nett excess charge is less than estimated 2,503*l.* and the surplus of the actual charge of this presidency in the year 1799-1800, was 1,079,607*l.* which exceeds the surplus charge of the preceding year in 183,571*l.*

Estimates, 1800, 1801.—The prospects of the presidency of Bombay, for the year 1800-1, are stated in the last columns of the accounts No. 7 and 8. The revenues are estimated to amount to 300,475*l.* and the charges to 1,051,693*l.*; making the excess in the charges 751,218*l.* This estimate will be found in the result to differ materially from the actual accounts of the last year; the revenues being stated at a less amount by 115,188*l.* and the charges by 443,577*l.* These great alterations are chiefly occasioned by the arrangement transferring the Malabar province to the superintendance of the Madras government, in consequence of which, the revenues, as well as the military and revenue expences of this district, are only calculated for two months. The difference on the revenue side of the statement, upon this account alone, is 185,958*l.* It is satisfactory to find, that the cause of the nett difference in the receipt being no more than above stated, is from the expectation of an increase in every other article of revenue, to the amount of upwards of six lacs of rupees. The land revenues 17,543*l.* partly from the recovery of balances, but mostly from an alteration in the internal government of Surat, by which the entire management is vested in the company, as will be noticed in the sequel. This circumstance will likewise greatly contribute to add both to the customs, and to the farms and licences. The expected increase of customs amounts to 22,944*l.*; but this is likewise, in part, occasioned by the complete operation of the additional duty of one per cent already mentioned. On the farms and licences, the increased receipt expected is 30,064*l.* and arises solely at Surat. Notwithstanding the reduction of expenses to the amount already stated, on comparing the particulars of the account, it appears, that, with the exception of those I have mentioned, every other head exhibits a prospect of increase. The civil 4,559*l.* from the new arrangement of the factory at Surat, and the completion of the judicial establishments; in some respects, a less expense is reckoned upon. The marine 10,186*l.* In some cases, the expenses of this department, likewise, are expected to be less than the last year; but the building of a new vessel, and the equipment and supply of ships, in the peculiar circumstances of this year, will probably occasion the additional expense. Passing over the small additional expense for buildings, which is principally occasioned by the erection of a new gaol: the only observation remaining to be made is on the increase in the revenue expenses, amounting to 25,941*l.* This also arises, in most part, from the transactions at Surat; for at the same time the company obtained some additional revenue, it was incumbent that effectual provision should be made, not only for the nabob, but also that an equivalent should be given to several persons under his government, who might suffer from the change. The explanation required on the two heads, where a decrease of expense is stated, are few. The charge of collections of the revenues of the Malabar province is accounted for in the preceding explanations. The difference of the military charge, amounting to 414,719*l.* may be generally explained in the same way; but it is to be remarked, that it would have appeared still to a larger amount, if it had not been found necessary to make an augmentation of the military establishment at this presidency. The general result of the comparison between the revenues and expenses of this presidency, by the actual accounts of the year 1799-1800, and as estimated for the year 1800-1, is, the surplus charge is estimated below that in the former year by 328,389*l.* From the complicated state, and the intricacy of the materials under which this estimate was formed, it may

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not be prudent for me to offer a direct opinion as to the actual out-turn. I am not, however, without my hopes, from the minute attention displayed by the present superior and inferior departments of this presidency, that the difference will not be to a material amount.

BENCOOLEN, PINANG, &c.—The revenues and charges of the settlement of Bencoolen, or Fort Marlboro', are stated in detail in the account No. 10 (a). No accounts have been received from that residency later than those laid before the House last year. This, however, is not of material consequence on the present occasion; it having always been usual to take the actual supply from India to this place, as well as to the settlement at Pinang, and to the island of St. Helena, for the charge. In this year, the whole of the supply has been furnished from Bengal. It may not be improper here to repeat, that the average of the revenues and charges for three years, 1796-7 to 1798-9, by the accounts above referred to, is as follows:—Revenues, 5,539*l.*; Charges, 113,214*l.*, being a nett charge of 107,675*l.* The nett charge for the year 1799-1800 is estimated at 84,187*l.* The supplies from Bengal to these settlements were estimated to amount, in the year 1799-1800, to 100,920*l.*: they actually amounted, by No. 18, to 171,363*l.*; being more than estimated 70,443*l.* The excess, in this instance, is almost exclusively in the supply to Bencoolen; that to Pinang was below the estimate. I have formerly remarked, that the expense of the first was more than intended by the court, and that measures were taken to reduce it within due limits. A gentleman of respectability has been deputed as a commissioner, with instructions to enter upon a very close investigation of the subject. Advices have been received, detailing circumstantially his first proceedings, and the arrangements proposed; but the effect of them on the finances cannot as yet be exactly ascertained. Some judgment may, however, be formed, from the supply estimated to be required from Bengal, in the year 1800-1, being 97,904*l.* below that of the year preceding. The aggregate of the supplies, estimated for these settlements in the year 1800-1, is 82,360*l.* which, on the whole, is less than the actual supply in the last year 89,004*l.* The view hitherto taken of the accounts before the committee merely related to the revenues and charges of the several presidencies, respectively: my next intention is, to state them in general results both by the actual accounts and the estimates; when I shall, in each respect, discover the nett revenue, and afterwards show the further demand for interest on the debts; and, by bringing to notice the amount of the produce of the sale of the imports from Europe, ascertain the sum remaining applicable to the commerce.

GENERAL VIEW.—The general result of the revenues and charges of the several presidencies in India, in the year 1799-1800, is as follows, viz.

REVENUES.

Of Bengal ..... £.	6,504,738	
Madras	2,822,536	
Bombay	415,663	
Total Revenues		9,742,937

CHARGES.

Of Bengal	4,332,991	
Madras	3,132,919	
Bombay	1,495,270	
Total Charges		8,961,180
Nett Revenue of the three Presidencies		781,757
Deduct Supplies from Bengal to Bencoolen, &c.		171,363
The Remainder is		610,394
And deducted from the Interest paid on the debts		
At Bengal	642,818	
Madras	253,667	
Bombay	82,371	
Total Interest		978,856
will show the deficiency of the Territorial and other Revenues to answer the Charges, and the Interest on the Debts, to amount to		368,462
Deducting this sum from the produce of the sales of the various imports from Europe, amounting to		706,495
The Remainder ..... £.		338,033

is the amount left applicable in this view to the purposes of commerce; which differs from the general result of the estimates for this year in an excess of 4,479*l.* and is a more favourable statement than that of the last year by 944,433*l.*

Although this result has proved to be much more favourable than that of the last year, it bears no manner of proportion to the demands which must arise for the payment of commercial charges, the advances for investments, and for other purposes, in the extensive transactions of

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the company. The advances made on account of the Indian investment, and towards the supply of that at Canton, with the charges on the trade, in the year 1799-1800, were as follow; viz.

At Bengal.

Charges of the Board of Trade at the Presidency and Factories	101,412	
Advances for the investment with commission	865,694	
	967,106	
Add—Supplies to Canton	230,658	
Total Bengal		1,197,764

At Madras.

Charges, allowances, &c. in the commercial department	83,500	
Advances for investment with charges	584,834	
	668,334	
Add—Supply to Canton	183,149	
Total Madras		851,483

At Bombay.

Salaries, &c. in the commercial department	16,980	
Advances for the investment, with charges	283,949	
	300,879	
Add—Supply to Canton	15,114	
Total Bombay		153,993

At Bencoolen, or Fort Malbro'

Cargoes to Europe	30,504
Total advances for the commerce and charges	2,395,744

These advances exceed the estimate about 60,000*l.* The supply to canton was 204,000*l.* more than estimated. An alteration in this part of the commercial system has taken place, as will be hereafter noticed. The question must naturally arise, from whence funds could be derived to meet demands to so considerable an amount? To which I shall merely now reply, that in whatever amount the supplies from Europe in bullion, and the cash received for bills on the court of directors, were found deficient, money was raised on loans, as will appear in the increase of the Indian debt. The cargoes actually shipped for Europe from India, in the year 1799-1800 with the charges not added to the invoices, amounted, to 2,168,302*l.* exceeding the advances on account of the Indian investment in this year 201,000*l.* the difference being supplied from the goods already in the warehouses.

The general result of the revenues and charges of the several presidencies in India as estimated for the year 1800-1 is as follows, viz.

Revenues.

Of Bengal	6,339,204	
Madras	3,273,071	
Bombay	300,475	
Total revenues		9,912,750

Charges.

Of Bengal	4,422,048	
Madras	3,723,112	
Bombay	1,051,693	
Total charges		9,196,853
Net estimated revenue of the three presidencies		715,897
Deduct—Supplies from Bengal to Bencoolen, &c.		82,360
The remainder is		633,537
and deducted from the interest payable on the debts		1,082,042
shews the estimated deficiency of the territorial, &c. revenues to amount to		448,505
which being deducted from the produce of the sales of imports, amounting to		591,975
The Remainder		143,470

is the amount estimated to be applicable to the purposes of commerce in the year 1800-1. The advances expected to be made in this year, for the purchase of investments in India, are stated at 2,109,000*l.* and for China 743,000*l.* together 2,852,000*l.*

This part of the subject will come under discussion hereafter; but it may now be remarked, that the Bengal estimate calculates on the receipt of bullion from Canton, in nearly the amount of the advances of that factory here stated.

Debts in India.—The increase of the debts, and the cause of it, having been already brought to the notice of the committee, I now proceed to state the amount. In April 1799 it was 12,995,526*l.* In April 1800 it is 14,640,402*l.*; being an increase of 1,644,876*l.* The amount subscribed to the remittance, under the orders of June 1793, was 345,307*l.* In April 1799, the part of the above debt bearing interest amounted to 10,190,528*l.* In April 1800, the amount was 12,301,570*l.*; being an increase of debt bearing interest, of 2,111,042*l.* The amount payable

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annually for interest on the debts was, last year, 915,687*l.*; on the debts by the present accounts, it is stated at 1,082,042*l.*; being an increase of annual interest amounting to 166,355*l.*

ASSETS in INDIA.—The value of the assets in India, consisting of cash, goods, stores &c. and debts owing to the company, amounted on the 30th of April 1799, to 10,259,107*l.*; on the 30th April 1800, it amounted to 11,569,553*l.*; showing the value of assets to have increased in the sum of 1,310,446*l.* It is satisfactory to find, on examining the detail of this statement, that the increase arises mostly from an addition to the real and effective property. The cash and good bills in the treasuries were to the amount of 756,000*l.* more than in the last year. The value of stores was greater, as also the amount of the debts owing to the company. The goods, both export and import, were less, as might be expected from the quantity shipped for Europe in the one instance and the larger sale in the other. Deducting the increase of the assets, as above stated, from the increase of the debts, which has appeared to be 1,644,876*l.*; the difference, 334,430*l.* is the amount in which the general state of the concern in India is, in this view, become worse during the year 1799-1800.

HOME ACCOUNTS.—I have now accomplished the investigation of the accounts relating to the finances in India. If the explanations have been carried to a great length, I trust the committee will impute it to my wish to afford them the information which, in this year, the many changes in some of the most important parts of the system seemed to prescribe. The state of the affairs at home, to which I shall now have occasion to request their attention, from being less complicated in every respect, will require a much smaller portion of their time; as, from the greater regularity which it is practicable to establish in the management, the observations may be comprised in a narrower compass. The accounts under reference, relating to this branch of the concerns of the company, are numbered 23, 24, and 25. The extent of the trade being first to be noticed, as the general spring of all the other transactions at home, will appear in the account No. 25. The aggregate amount of the sales of goods from India and China, in the year 1800-1, is there stated to have been 10,323,452*l.* which exceeds the sales of the last year by 162,842*l.* This is the general excess. On a more particular comparison, it appears that the excess on the goods sold on the company's account alone was 234,314*l.* On goods sold for the account of private traders 45,112*l.* Together 279,426*l.* While there was a decrease of those sold under the Neutral Property act, amounting to 116,584*l.* making the nett excess, as before stated, 162,842*l.* From which it will appear, that the advantages immediately derived by the company and the British subjects have increased, beyond what was stated in the comparison of the aggregate of the sales generally. This comparison will still be more in favour of the present year, on adverting to the operation of the Warehousing act. A great part of the goods sold in the last year was subject to the payment of the customs, which of course were included in the amount of the sales; whereas, in the present year, the full effect of that act has been experienced. The sales of the company's goods in this year were estimated, to amount to 6,675,000*l.* Their actual amount was 7,602,041*l.* being more than estimated 927,041*l.* The estimate of the sales in this year was calculated as usual, taking into consideration the general appearance of the state of the trade, and the probability of the demand, as well as the arrival of goods to supply the demand; using, at the same time, a proper caution, not to reckon too much on the extensive sales of the two preceding years. The great excess proves the stability of the trade; and it is satisfactory to find, that the effect of the additional duty on tea has not tended to diminish the sale of it. The estimate under this article has been exceeded upwards of 600,000*l.* and may be partly attributed to an increased price, and partly to the sale of a smaller quantity in private trade than was expected in this year. The Warehousing act has operated very favourably on the disposal of the Bengal piece goods, which were sold also at higher prices than expected. The excess on this article was 186,879*l.* and the quantity sold was to an amount exceeding the last year by 350,000*l.* A greater quantity of saltpetre was sold than estimated; likewise drugs, sugar, &c. from greater arrivals in the latter instance. The smaller arrivals of Coast and Surat goods, and raw silk, occasioned a less sale; the sale, however, of the former exceeded the last year by near 300,000*l.* On the whole the estimate was exceeded 1,155,861*l.*, while

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the deficiency was only 228,820*l.* making the nett excess as before stated. The realization of the produce of the sales, and the application, will appear in the cash transactions of the company next for examination, on the comparison with the estimate for the year 1800-1. The receipt on the sales was estimated to amount to 6,201,000*l.* The amount actually received was, by No. 23, 7,382,849*l.* exceeding the estimate in the sum of 1,181,849*l.* The prosperous state of the trade cannot be more fully evinced, than by this examination; and it is satisfactory to observe, that, with the exception of only 9,500*l.* in company's bonds, the whole of the payments was made in cash. The charges and profit on private trade, estimated to amount to 100,000*l.* actually amounted to 133,429*l.* being more than estimated 33,429*l.* It has often been remarked, that it is impossible to form an estimate, in this instance, with any precision from the uncertainty of the quantity of goods which may be disposed of in the year upon private account; from this circumstance, likewise, no estimate is ever made of the customs and freight.

Comparing the other estimated receipts with the actual, I find that the receipts on the account of private trade goods exceeded the estimate 1,276,713*l.*: but an excess, in this case, has uniformly taken place, as the estimate only calculates on the receipt for goods actually sold, without taking at all into consideration what may be disposed of. With the exception of a small issue of bonds to the amount of 900*l.* I have noticed every excess. The receipts below the estimate were, from the ordnance for saltpetre 40,000*l.*; a small sum from persons returned from India; and 500,000*l.* from government, on claims of the company. The last head will be more particularly noticed in the home assets: the payment was not made, the account being under examination. When the estimate was formed, it was expected the company might have occasion to dispose of their share of the Loyalty Loan: this, however, became unnecessary, from the immense receipts on the sales, and from the forbearance of the Bank, with regard to their demand on the company, as will appear in the consideration of the payments. The application of the amount received is particularly detailed in the payment side of the account now referred to. The customs were below the sum estimated, after adjusting the part received for those on private trade; also the freight and demurrage, with the same adjustment, in upwards of 200,000*l.* the payments on this account depending greatly on the arrival of the ships, and the making up of the accounts. The export of goods being carried to a greater extent than intended at the time of making the estimate, has occasioned an excess amounting to 542,345*l.* The payment in this year on the Indian debt exceeded the estimate 117,010*l.* from the additional measures adopted in India for the liquidation of the debts, the necessity of which is immediately obvious. The bills of exchange from India and China were 57,089*l.* below the estimate, when it was desirable, from the situation of affairs abroad, that they should have been carried to a much greater extent, and particularly as it was not found practicable to send out the quantity of bullion originally in contemplation.

On the review of the branch of the expenditure immediately applicable to the aid of the treasuries abroad, it will appear, that the payments intended on this account amounted to 3,595,676*l.* and that they actually amounted to 3,919,590*l.*, being 323,914*l.* more than estimated. Few remarks appear wanting on the other items of this side of the account. The great excess in the private trade is partly accounted for by the explanation of the receipts; the payments being, in like manner, estimated on what is due for goods already sold, but actually taking place according to the sales in the year. The charges of merchandize exceeded the estimate 30,066*l.* in contingencies impossible to be foreseen at the commencement of the year. The purchase of buildings has occasioned some addition under this head. The articles in which the payments have fallen short of the estimate, to the greatest amount, are, the loans from the Bank, intended to be discharged in this year, which have been again deferred, as before noticed. The general result of this comparison is: although the actual receipts have fallen short of the estimated in upwards of 800,000*l.* from a disappointment in an expected payment from government, and from deferring the disposal of the Loyalty Loan; and although the estimated payments have been exceeded by an enlarged supply to India;

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the very favourable produce from the sales of goods, and the extension of time for liquidation of the debts to the Bank, have so operated, that the balance of cash, estimated to be, on the 1st March 1801, against the company in 368,013*l.* actually proved to be in their favour to the amount of 930,590*l.* being more favourable than estimated 1,298,603*l.*

ESTIMATE, 1801-2.—The expectations of the year 1801-2 are likewise in the account No. 23. The amount estimated to be received on the sales of the goods seems to be warranted, by the extent of the trade and the experience of past years. The receipt on this account is stated at 7,161,918*l.* on the following principle: The sales are estimated to amount to 7,119,400*l.*, of which may be received, after the conclusion of the year, 1,125,000*l.* which leaves the receipt on the account of those sales at 5,994,400*l.*; the receipt on what was left due on the sales of last year is expected to be 1,167,518*l.* The total is, as already stated, 7,161,918*l.* The sum due on private-trade goods and the loyalty loan (again estimated to be disposed of in the year), are the only remaining articles on the receipt-side requiring notice; but on the former, the same difference may be expected, both in the receipts and payments, as in the preceding years. The payments of a fixed nature are calculated on the established principles; those on account of India and China, for exports, bills, and bullion, with the Indian debt, are estimated to amount, in the whole, to 4,026,710*l.* which exceeds the last year in 107,120*l.* The intention of liquidating the loans from the Bank, amounting to 800,000*l.* is again stated. The general result of this estimate is:—After calculating on payments for the account of India and China, in an amount exceeding four millions, and for the discharge of the debts to the Bank, without reckoning on any extraordinary aids to the receipts, the balance, on the 1st March 1802, is expected to be in favour of the company 486,731*l.*

DEBTS AT HOME.—The debts owing by the company in England come next into consideration: their state is shown by the account No. 23. The comparison with the last year is as follows: On the 1st March 1800, they amounted to 5,830,222*l.*: on the 1st March 1801, by the account referred to, they were 5,393,989*l.*, being a decrease of 436,233*l.* The home debt is now reduced below the ordinary level. The decrease in this year is on a number of heads; the most material of which are, the bills of exchange from China, the extensive relief afforded the Treasury there having rendered it unnecessary to draw bills to so great an amount as formerly; the Indian debt, from the large sum liquidated in the year, and from the interruption to the operation of the remittance plan. Less sums are likewise owing on freight and demurrage, and the remuneration to captains of ships. The bond debt is likewise lessened. Of the cases in which any increase has occurred, that of the bills drawn from India is the principal; it amounted to 215,368*l.*: some further increase might be stated on this head; but that will be noticed in the adjustment at the conclusion of the general review.

ASSETS AT HOME AND AFLOAT.—The value of the assets at home and afloat is likewise stated in the account last referred to. The comparison, in like manner with the debts, will be as follows, viz. On the 1st March 1800, the amount was 16,185,950*l.*: on the 1st March 1801, by the present accounts, it was 15,404,736*l.*; being a decrease of 781,214*l.* Notwithstanding the nett decrease is no more than that now stated, several variations appear in the detail to a considerable amount. In many instances an increase has occurred. The cash in course, from the improved balance: the sum due on sales of goods is more than last year:—the value also of exports paid for, and the impress and war-allowances to ships not arrived:—the value of the East India House and Warehouses, from the improvements and additions;—but by far the greatest increase exhibited is in the sum stated to be due from government, for stores and supplies to his majesty's troops, &c.; it amounted to 879,609*l.* On this head, I can only add to the remark made on the increase in the last year, that the examination of the account is not finally completed, and that deductions may be expected to be made from it, when the counter-demand by government, as by the note at the bottom of the account No. 24, shall be settled; and probably from other adjustments which may be found necessary. The occasion of the decrease of the assets, in general, arises almost entirely on two articles. The value of goods in the

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warehouse is less than last year, by 2,062,571*l.* from the detention of the ships beyond the usual time, and from the extensive sales in the year; and the cargoes outwards not arrived, 907,955*l.* from the delay in the dispatch of the ships in the last year.

China and St. Helena.—The state of the company's affairs at China and St. Helena may be ascertained by a reference to the account No. 24. Compared with the last year, the difference is as follows, viz. The balance against the company at China, by the statements of last year, was 220,022*l.*: by the present accounts it is in favour 1,226,079*l.*; which shows an improvement, amounting to 1,446,101*l.* The books of St. Helena being closed on the 30th September in each year, are seldom received in time for the regular insertion of the balance in the stock by computation at home. The balance stated last year was by the books of the year 1797-8, and appeared to be in favour of the company 62,235*l.*; the balance of the year 1798-9, by the present account, is also in favour 58,366*l.*, which is less than the last year by 3,869*l.* and is therefore to be deducted from the improvement at China.—The nett improvement at China and St. Helena will then be 1,442,232*l.* I have now completed the proposed examination of the accounts before the committee, and carried into effect my intention respecting them, by giving such explanations as might convey a distinct idea of the nature of the many articles of revenue in India, and of the charges to be defrayed from them. The causes of the variations from the estimates have been also stated; the extent of the trade has been exhibited, and the receipts at home, with their application. The stock, or actual property of the company, with the demands outstanding against it (in other words, the debts and assets), both abroad and at home, have been compared with the amount on the last examination. It now only remains to ascertain the general effect produced upon the whole concern in the year by all the transactions of receipt and expenditure. For this purpose I shall combine the several variations in the debts and assets, as follow:

General Comparative View *of the Debts and Assets, by the last and present Year's Accounts.*

The debts in India have increased in the sum of 1,644,876*l.* deducting therefrom the decrease of the debts at home, amounting to 436,233*l.*; the nett increase of debt will appear to be 1,208,643*l.* The assets in India have increased 1,310,446*l.*, deducting the decrease of assets at home amounting to 781,214*l.* The increase of assets is 529,232*l.*, to which is to be added the nett improved balance at China and St. Helena, as follows: China improvement 1,446,101*l.*: deduct St. Helena, which is less than last year 3,869*l.*; the difference is 1,442,232. And the total shows the nett increase of the assets to be 1,971,464*l.*, deducting the increase of debt, above stated, from the increase of the assets, an improvement would appear, in this point of view, to have been made in the state of the company's affairs, generally, in the course of the year, to the amount of 762,821*l.*; but as, on a nearer examination of the statements from which these computations are made, it appears that, at the period for making up the stock accounts at home, those from India were not received to the date on which the state of the debts and assets abroad is now made up: I have found it necessary, in order to bring this very material part of the calculation to as near a point of accuracy as practicable, in a general review of so extensive a concern, to make several adjustments. They are as follow, viz. on the debit side of the account No. 24, an adjustment is made of the quick stock at Bengal, by the addition of bills drawn on the remittance loan. As the amount of those bills could not be included with the bills owing in England, from not having been accepted, and as they were excluded from the account of the debts in India on 30th April 1800, from the supposition of this debt being payable here, they could not properly be inserted in any other form. In the view now given, their amount should be deducted from the improvement, being certainly a debt owing by the company.—It is 391,915*l.* On the credit side of the account No. 23, it appears necessary to make exactly the same kind of adjustment as in the last year, on the value of the cargoes from England not arrived in India, at the date the several quick stocks, on which the home accounts are made up. As the state of the assets abroad is calculated in quick stocks of a later date, and included a part of those cargoes, it will be necessary to deduct their amount, which was 280,441*l.*, the total sum to be deducted is 672,356*l.*

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The difference then remaining amounts to 90,465*l.*, and is the sum in which the general state of the whole concern appears, on the principles of this examination, to have improved in the course of the year of account now before the committee. But I must (in addition to the observations on the assets of the last and the present year) remark, that a considerable variation may be expected in the comparisons, when the examination of the claims of the company on government shall be completed, and when the demand of the paymasters-general, for advances on account of the troops in India, is taken into the account.

When I undertook the task of stating this year the situation of India concerns in the manner I have been accustomed to do when in office, it was my original intention to have confined this statement to a dry recital, in the shape of resolutions, of the result of the accounts and estimates on the table. My reasons for this were, first, that, with the opinions I entertain of the result of the administration of India for seventeen years past, under its present system, I could not well take a retrospective view of its past compared with its present situation, without being liable to the imputation of an ostentatious display of occurrences, in which I may be supposed to have had a considerable share; and secondly, if I was to indulge myself in too flattering a prospective view of future expectations, I might be accused of holding out sanguine predictions on future events, respecting which I had no responsibility, and the fulfilment of which was to depend upon others, and not upon myself.

But, upon a nearer view of the subject, and considering the manner in which I concluded my statement of last year, I have persuaded myself, that it would be both unmanly and uncandid on my part, at this moment, if I was to conclude with barely recording resolutions stating the results arising out of the accounts which have been referred to the committee. I concluded my statement of last year in the following words:

"The final result of the whole is, the financial departments in India have experienced material deterioration, from the united pressure of war expenses, and provision of investments; but not in a degree to afford ground of alarm. A large proportion of the increase of the debt has been the occasion of adding to the assets, from whence the home concern has been considerably enriched. It certainly is of the first importance to devise a method by which the present burthens on India may be relieved; and I am happy in being enabled to remark, that the means for accomplishing this desirable object are to be found in various ways:—in principles of economy, as to the future expenditure; and in a proper application of the increased resources abroad. An examination must likewise be made, by what mode the home treasury can contribute to the diminution of the foreign debt. From the circumstances of the war, the establishments have been considerably extended. It will be a point of my diligent and close attention, that every practicable reduction shall be carried into effect, from which, with the favourable prospect to be indulged from the stability and permanence of the resources, and the unexampled prosperity of the commerce, no apprehensions need be entertained on account of the magnitude of the present debt: I am prepared, indeed, to meet it at fourteen millions. My confidence in the means of retrieving the state of the finances abroad is farther strengthened, by reference to the experience of former times. The situation of the company on the first establishment of the present system, is well known to have been such, that the full extent of their difficulties could not be ascertained till the year 1786. In the year 1797, I took occasion to offer to the committee a most flattering view of the surprising improvement brought about in the course of ten years. The reduction of the debts, and the increase of the assets, were to an amount exceeding 11,100,000*l.* sterling. It is true, that within that period money had been raised on additional capital, to the amount of 3,740,000*l.*; but it must likewise be taken into consideration, that the remainder may be termed a nett improvement, under the events of an Indian war, at one time threatening serious disasters, though finally concluded highly to the advantage of the company: under the events likewise of the present European war, during four years of the period, which caused enormous additions to the expense of freights, and of the provision of every article of equipment; and occasioned also great expenses by several expeditions, from which our rivals were deprived of their possessions in the East. But I have carried the comparison three

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years farther, which will take in a great part of the immense expenditure of the late war with Mysore, and find, that the improvement during these thirteen years, on the same principle, is 11,880,000*l*. If it be inquired, what is the state of the concern between 1796-7 and the date of the present accounts, in which period the extraordinary pressure has been mostly felt, it is satisfactory to discover, that without any aid from increase of capital, the improvement has still been 747,000*l*. It is fair, then, to infer, that so far from apprehensions, the most sanguine hopes may be indulged, from the present general aspect of the company's affairs, whether considered politically or commercially; that unless any thing unforeseen should occur, the debts may, in a few years, be reduced to the amount at which it may be prudent to limit them; and that the surplus produce of the revenues may be applied to the purposes intended, when the last arrangement took place.

These words have been given to the public; and therefore, both my successors, and the public at large, have a right to expect from me, at the close of my Indian administration, that I should more distinctly explain the grounds of those expectations which I had thus held out. Although in the discharge of this task which I impose on myself, I may be obliged to refer to past transactions, I shall refrain from doing it, either ostentatiously or in great detail; but if I am to state my expectations as to the future, it is impossible for me to do so without stating the grounds on which my confidence rests. The change of system, in consequence of the institution of the present mode of administration, forming an era rather remarkable in the annals of the East India company, from the particular situation of their affairs, as well as from the clashing of interests and opinions occasioned thereby; it may not be altogether foreign to the present purpose, and particularly from the peculiar circumstances under which I have the honour to address the committee, if I take a view of some of the events which have since combined to the increase of our power and influence, and to their establishment on a basis not likely soon to be shaken.

Beginning with the state of affairs in India, both as it concerns our external relations, and the internal situation of our own extensive and valuable possessions. It is with the most heartfelt satisfaction my mind contemplates the amazing change in our political relations in the east at the present time, compared with what they were in 1784. A circumstantial detail of the many vicissitudes within the period, cannot be expected to be given, in the narrow space of time allotted to this inquiry: let it partly suffice to say, that, by a happy combination of efforts both abroad and at home, effects have been produced which could scarcely have entered the minds of the most sanguine. In the year 1784, peace had been recently obtained from our inveterate and determined enemy, the late Tippoo Sultaun, as a boon, in fact, essential to the preservation of our possessions on the peninsula of India, for the most part suffering from the ravages of war, to a degree which peace and time alone could recover. The period following that peace, till the unprovoked hostility on the lines of our ally the rajah of Travancore, was little more than an unceasing expectation of war. It then became necessary, not only upon the faith of treaties, but upon principles of self-defence, to enter again upon a most arduous conflict with our enemy, in the plenitude of his power; the issue of which rested, at one time, upon a very precarious balance, till the rare and singular talents of him whose name must ever be mentioned with gratitude and reverence, were called forth. (The noble and respectable character to whom I allude is the marquis Cornwallis). Such, however, was the nature of the contest, that two campaigns were requisite to bring it to an end; and truly glorious it was, affording at once a display of British prowess in arms, and moderation in victory. The face of affairs was then completely changed. Peace was our grant, when summary vengeance was at our command. Policy and prudence required that the enemy should be reduced in his power, and justice prescribed that our allies and ourselves should receive some reimbursements of the expenses we had respectively incurred: he was, therefore, not only amerced in a considerable sum, but stript of the half of his dominions.

The next interval of peace bore a near resemblance to the last; and it has been clearly ascertained, that the fixt bias of the mind of our enemy was not only the recovery of his dominions, but also the accomplishment of our utter destruction. The day at length arrived when forbearance could no longer be exercised with

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common attention to the safety of our own interests. A new war became essentially necessary, which, by the most signal exertions of wisdom, energy, and courage, was soon brought to a termination in the death of him who provoked it, and in the entire conquest of his dominions. These great events, and the arrangements in consequence, are on the records of parliament; but I have adverted to them, in order to display the secure and permanent foundation on which our possessions are at this time held in that part of India. The accounts before the House will show the pecuniary advantages derived from them; a reference to the map will discover, that we are now possessed of an extended territory, with a reduced frontier: and it further appears, that we are relieved from the dread of a power, which for a long series of years had, in connexion with our common enemy, been bent, if possible, on our very expulsion from India. Such has been the extension of our power and influence in this part since the year 1784.

If we look to the state of our alliances with the several powers in India, on the same comparison, the view is equally satisfactory. First, the Nizam: although allied by treaty during a long series of years, the advantages to the company were frequently problematical, from the fluctuating politics of his court; and although his highness furnished some assistance towards the object of the last war with Tippoo, and reaped his proportion of the advantages from the successful termination of it; very soon after an influence prevailed in his councils, threatening serious consequences. By the judicious and decisive conduct of the present governor-general, that influence has been destroyed, our common enemy deprived of any prospect of annoying us from that quarter, and this alliance rendered truly valuable. It was to this circumstance we were indebted for the useful co-operation of his highness's force in the late Mysorean war; and to this circumstance may likewise be attributed the happy event of our connexion with Hydrabad, being now more firmly cemented than ever. A new treaty has been lately entered into, stipulating for a considerable increased subsidiary force; and instead of leaving the payment of the subsidy to the uncertain receipts of his own treasury, he has assigned to the company the whole of the territories acquired from the late sultan of Mysore. By this measure, the possibility of dispute between the two powers, on the score of punctuality of payment, will be effectually removed, and the company will receive ample remuneration for the expense of the forces supplied by them. The treaty with the rajah of Travencore, though not productive of advantages to so great an extent, may still be mentioned, as an event, within the period alluded to, tending to strengthen our influence. Our more particular connexions on this side of India are, the nabob of Arcot, the rajah of Tanjore, and the nabob of Surat. —The nabob of Arcot. The alliance with his family is well known to have been of very ancient date. The identity of interests between him and the company is obvious. The treaty under which our present relation with him stands, was dated in 1792, and was entered into with his father, on terms extremely favourable to him. I have several times mentioned to the House my wish, that that treaty might undergo several modifications: the interests of the company, and the welfare of the inhabitants of the districts under his highness's government, required it. That it has not yet taken place, is no proof of any thing against our general influence, as no apprehension whatever is to be entertained of his power.—With the rajah of Tanjore we stand upon far better grounds.

I have formerly intimated to the House the change introduced in this alliance, and the act of justice by which the present rajah was restored to his right. Districts were, in the first place, assigned to the company for the payment of the subsidy; but as this occasioned a species of divided government, and our system of management was far better calculated to restore this fruitful country to a state of prosperity, the young rajah very wisely chose to assign the whole to our direction, reserving a respectable stipend for the support of the splendor of his own house and that of his family. A treaty was accordingly concluded to that effect in the year 1799.—The nabob of Surat might not, perhaps, be thought of sufficient importance to introduce upon this occasion; but having adverted to the new arrangements with him, in the examination of the Bombay accounts, it is proper to state, that, by the grants in 1759, the exclusive management of this city and its dependencies was particularly vested in the com-

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pany. From that period, however, it was thought proper to have a joint direction with the reigning nabob, till the last year, when it was deemed prudent that the company's original rights should be re-established, and that the collection of the revenues, the civil government, and the military defence, should be placed with their servants. This was finally adjusted by an amicable compromise. A handsome stipend has been given to the nabob, and allowances granted to such of his dependents as appeared to have claims.

I have first noticed the several powers with whom we are in strict alliance on this side of India, as being nearest the more immediate and active scene of political operations and changes; but the improvement of the connexion and influence with the nabob of Oude is of no less consequence to the interests of the company. The occurrences since the death of the late nabob have been formerly brought to the notice of the House; and the hope that was entertained, of the present nabob being induced to discharge his own useless and ill-disciplined army, and to employ an additional number of the company's troops. This has been completely brought to effect, and at the same time that the company derive substantial advantages, the real expense to the nabob will be diminished.—Thus we find every alliance at this moment most completely strengthened, a very large annual resource obtained, and, while the friendship of the parties is effectually secured, the subsidiary force employed still forms an integral part of the defence of our own dominions. If we turn our attention to other powers of the East, a view entirely satisfactory presents itself. From the present state of the Mahratta empire, I see no cause for apprehending the interruption of tranquillity, independent of its being the interest of its rulers to maintain the principles of harmony and peace. But if it were even at the zenith of its power, and hostilely disposed, our own situation is at this time such as not to dread the utmost consequences. The friendly disposition of the Burman empire is another proof of the great respect with which we are viewed by our neighbours. I trust it will therefore be admitted, even from this abstract view, that with regard to our influence in the East, it is such as to gratify the wishes of the most sanguine. But a still farther ground of satisfaction arises, from the recollection that our formidable European rivals have not only been expelled from their own possessions, but are, by the events now stated, effectually deprived of the power of seriously endangering our interests. I think it proper, however, to observe, that while I give this flattering view of our political situation in India, it is not with any intention to lull our rulers into any supine or dangerous security. It would be an unwarrantable indiscretion on my part, if I was, on such a subject, to enter into any detail. I say, in general, that unremitting vigilance and watchfulness are as necessary as ever. Having got the better of old combinations, and annihilated the force of ancient enemies, do not let us suppose that circumstances may not arise to produce new confederacies, and a system of intrigue, not less dangerous though differently directed. Those who have given a comprehensive consideration to this subject will, without farther explanation, understand me, when I direct their vigilant attention to the state of Persia, to the northern frontiers of Hindostan, to the mouths of the Indus, and to the gulphs of Persia and Arabia.

I shall now refer to the state of our own immediate dependencies, and the government of them. Here a most flattering picture presents itself, inasmuch as we have the satisfaction of knowing, that, at the same time the company s resources have during the period alluded to been carried to the highest pitch of prosperity, the situation of the inhabitants of these extensive dominions has been considerably ameliorated; and every measure is adopted, that, with the security of the established demand of the state, those who pay that demand shall likewise enjoy every security in their persons and interests. The advantageous terms of the permanent settlement, and the beneficial tendency of the judicial regulations in Bengal, need not now be mentioned, having been often before brought to the notice of the House; but merely as a display of the superior policy of the present system, under which, at the same time that every species of force or compulsion, further than what is prescribed by known and promulgated laws, is done away, the resources are fully realized, and the land-rents carried to an almost unprecedented extent, as already observed. From the experience of this system in Bengal, it has been thought fit to extend it, as far as practicable, to every province under the company's go-

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vernment; and orders have been issued to the presidencies of Madras and Bombay for that purpose. The internal government of these presidencies improves every year. As to Bombay, the revenues of the province of Malabar had, for the two last years, much increased in produce, as well as in facility of collection. One refractory tributary alone remained, who made the most ungrateful return for the clemency shown him. Little doubt need be entertained but he will soon be effectually subdued. A material change has lately taken place on this side of India, by the transfer of the Malabar province to the entire superintendance of the Madras government. The numerous tributaries under this government are now happily brought to that state of subjection as to furnish the hope that the frequent insurrections which I had the mortification to learn by the advices, will no more be heard of. Their expectation of support, and indeed the main-spring of every revolt, being effectually removed by the death of Tippoo, every hope may be entertained of the perfect establishment of the quiet of the country. This has in part been already obtained amongst some of the most refractory, the southern poligars, who are now reported to be changed from an armed and lawless banditti to a peaceful and industrious peasantry. The tranquillity of the northern circars has frequently been interrupted by the restless and turbulent disposition of some of the Zemindars. Military aid has, on many occasions, been requisite to establish the authority of government. A more favourable prospect presents itself with regard to these districts likewise, the vigorous exertions, very properly called forth, having convinced the rebellious of the inefficacy of their attempts. But the time is fully arrived for the complete assumption of every power of government. The happiness of the numerous inhabitants of those parts renders it incumbent that they should receive the full benefits of a mild administration, in common with other classes of the subjects of the British dominions; and that their quiet, and in fact their lives, should no longer be exposed to the caprice of subordinate rulers. The orders for the general assimilation of the system of government, both revenue and judicial, are, therefore, very properly timed. From the various habits and prejudices of the land-holders and inferior renters on this side of India, the full effects of this benevolent system may not so soon be proved as in Bengal. The jealousy of authority entertained by some of the Zemindars may likewise occasion interruption; but no doubt exists, that steady and unshaken perseverance will eventually secure to the inhabitants all the benefits intended, and to the company the same advantages which they have reaped in the provinces of Bengal. This favourable prospect is further strengthened by the prudent plans adopted, as far as practicable, that the minds of the people should be prepared for the change, by their gradual introduction in some of the districts. In every case, however, the due consideration paid to their prejudices cannot fail of producing the ready assent of all who are not influenced by motives of private interest in the perpetuity of the present divided mode of government. The secure and easy collection of the rents of the country is certainly an inducement to the introduction of this plan into the whole of the dominions; but it may likewise be safely averred, that the happiness and interest of the millions of industrious inhabitants is likewise one of the great and leading motives. The example of the Bengal provinces is sufficient to justify the intention, where the ready means of knowing the laws by their general promulgation, with those of obtaining justice, has produced the happiest effects; and it is certainly desirable, while the attempt is laudable, to secure the demands of the state, without the recourse to military coercion which has unhappily been so frequently requisite in the districts under the Madras government. If I had been the sole actor in those beneficial consequences, which have resulted from the recent administration of India, I should not have felt it decorous on my part to have alluded to them, even in the general way I have done; but I owe it, in common justice, to those who have either assisted with their judgment in the formation of plans, or their active exertions in carrying them into execution; and it cannot fail affording high satisfaction to the committee, to be informed that every measure, whether relating to revenue or police, has been undertaken, no less with the view to the comfort and welfare of the Indian subjects, than to the advantage of the state. Having distinctly explained, from year to year, most of these measures, a further recapitula-

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tion is not now wanting. I shall, therefore, proceed to state, that the improvement of the commercial system, generally, has been equally an object of marked attention. The most liberal encouragement has been given, that the productions of the fertile provinces under our dominion, should yield every advantage to the cultivators of the soil, to the manufacturers of goods, and to the adventure of the private merchant. Taxes discovered to be oppressive have been uniformly abolished; and it may safely be averred, that a greater freedom of trade is enjoyed under our government, than in any other part of India. As to Bengal, by the official accounts, the general increase of the trade has been stated with great clearness and precision. Articles of export, as formerly remarked to the committee, not known till late years, have been cultivated to an immense extent. That of Indigo, particularly, has flourished in a most flattering degree; produced both in quantity and quality, so as to offer a formidable rivalship to those from whom it was supplied in other quarters of the world. It may be said, that disappointments have occurred in the speculations of some individuals engaged in the trade; but it frequently happens that a lucrative branch of commerce will so much engage the public attention as to be carried beyond the current demand. The level always, however, returns. But with regard to this article, a most essential and truly valuable end would have been gained, if it had only been discovered that the ability existed to supply our own manufactures, without having recourse, as formerly, to the assistance of foreign merchants. The probability of the demand being still further extended, cannot fail of affording the highest gratification. The increased produce of sugar and of cotton might likewise be mentioned, as well as other articles; but it would carry me into a larger detail than might at this time be proper. The trade of the districts under the presidencies of Madras and Bombay cannot be exactly ascertained, as at Bengal, from the want of similar official documents. But that of the company, at the former presidency in particular, has increased in a very great degree, and would have been carried to a further amount, but for the pressing demands upon the treasuries in consequence of the war. The way in which it has happily terminated, affords the prospect of the company being enabled to avail themselves of the industry of the whole of the Peninsula, to their own advantage, to that of the inhabitants both native and European, and no less so that of this country, from the increased demands which will arise for its manufactures. It will, therefore, be admitted, that the commercial prosperity of India, strongly corroborates what I have adduced with regard to the improvements in other respects.

Many objections have been from time to time raised to the policy of the restrictions imposed by the legislature on the trade of the East, and to the exclusive privileges placed in the company. My decided sentiments on this subject are well known; I will therefore only now advert to it, by observing, that, at the renewal of the charter in 1793, the legislature showed every disposition to adopt such arrangements as might secure to this country as large a share of the Indian trade as possible. If any of the arrangements then made have been found by experience inadequate to the objects in view, the wisdom of the legislature, and, I trust, a liberal and wise policy on the part of the East India Company, will concur in correcting former errors. The manner in which this shall be done, consistent with those regulations which parliament has thought proper to impose, has long been under serious consideration. Many indulgences have already been granted to individuals; and I have no doubt that, ultimately, such a plan will be determined upon, as shall be the means of affording all the satisfaction which, in reason and justice, could be expected. In doing this, I certainly do not mean to exclude every degree of proper caution; for I have no hesitation in expressing my thorough conviction of its being incumbent on those with whom the final arrangement of this very important branch shall rest, never to lose sight of those salutary maxims which have been prescribed by long experience, and that they be strictly upon their guard that substantial and permanent benefits may not be sacrificed to casual, and perhaps illusory schemes of gain.

The trade with China is well known to be a most consequential part of our commercial interests, not only as it concerns the particular advantage of the company, but likewise as it concerns the empire in

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the demands for the manufactures, and in the material aid afforded to the revenue. It is, therefore, I have the greater satisfaction in bringing to view its prosperous state in every point. The credit of the company has always stood high in the opinion of the Chinese merchant; for, notwithstanding at one period the arrear to them was considerable, their confidence has not diminished, and no interruption has occurred: if that was the case under such circumstances, the situation of affairs in China, at this time must be admitted to wear a very pleasing aspect. The balance owing at Canton, in 1798, was 1,073,607*l.*: by the accounts upon the table, there was a balance in favour of the company of no less than 1,226,079*l.* arising from cash in the Treasury, goods in warehouse or afloat homeward, or advances for future investments; making a difference, in that period, of no less than 2,299,686*l.* The consequence is highly propitious. The exchange upon India has materially benefited; and an opportunity has been afforded the government of Bengal to make the attempt to turn this favourable circumstance to the utmost advantage in every possible respect. The effect has been already felt in the revival of the trade in opium, the principal demand for which is in these seas. It has also been experienced in other branches of Indian produce. While every facility of export is given from our own provinces, the Canton treasury is opened for bills on the several presidencies, so that the consigner is assured of the return of the proceeds of his adventure. The bullion heretofore sent from Europe to China may go to India, to the enrichment of our possessions there: it will therefore appear, that the benefits resulting from this trade will not be merely confined to this country, but will be extended, in a great degree, to every part of the dominions in the East. The view of this trade, on a comparison with its amount in the year 1784, is particularly favourable to my present object. The sales, in the year 1784-5, of which tea formed the principal part, amounted to 2,219,000*l.* In the year 1800-1, they were 3,616,000*l.*; the progressive increase, since the passing the Commutation act, was last year noticed to the committee.

If the attention is directed to the state of the affairs at home, on which I shall now offer a few remarks, every ground is afforded for the most satisfactory inferences. Here is found the grand criterion from which to form a judgment of the advantage which the empire derives from this immense traffic. The discovery is of importance, that notwithstanding the convulsion by which the commercial world has been long agitated, the trade from the East to this country has flourished from year to year, and is still flourishing in an eminent degree, realizing every expectation held out on the establishment of the present system, and justifying the measures hitherto adopted for its extension. The progressive increase of the sales has been noticed at the proper times. The comparison of the sales in 1784-5, and by the last accounts, gives the most correct idea of the amazing improvement within that period. In 1784-5, the aggregate of the sales was 4,605,775*l.*; in 1800-1, it was 10,323,452*l.*; which is an increase of 5,717,677*l.* Lest it be objected that the comparison is made on a period peculiarly favourable, I will take it on the average of the last three years. In this view, the sales amount to 10,275,439*l.* exhibiting still an improvement of 5,669,664*l.* which, in both cases, would have been yet more favourable, but for the operation of the act passed in 1799, respecting the customs, as already explained.

Having given a cursory view of the very flattering situation of the affairs of the company, both in their political and commercial relations, it yet remains to answer a question which must naturally arise:—From whence it results, that, in the midst of all this prosperity, the financial statements for the three last years have worn so unfavourable an aspect, with regard to India, as to disbursement, and to the accumulation of debt? The very precise explanations given in each year on these points, will greatly lessen the difficulty of making the reply. I have, therefore, only to quote them in abstract. I must, however, take leave to offer one previous remark;—that the company, in their political capacity, are most peculiarly circumstanced. Possessed (as they truly are) of extensive dominions, enjoying likewise the advantage of beneficial alliances, yielding together immense resources, large and expensive establishments are required, not only for the administration of the government, but likewise for the collection of the revenues, and particularly for the protection of their territories, and the fulfilment of their engagements with their

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allies. Under these circumstances, even in time of peace, the outgoing must be great: still a considerable surplus revenue would be left for remittance to this country, through the channel of investments, for the purposes prescribed in the agreement with the public. But, in the time of war, in India particularly, where the expenses attending military operations are beyond all proportion greater than in this country, every financial disposition for peaceable times must necessarily be completely deranged, the demands upon the treasuries must increase with the pressure of the times, while there is no possibility of procuring extraordinary aids in any proportion to the exigencies of the government. Thus circumstanced, no alternative remains but having recourse to loans, either to supply the deficiency, or to prevent an interruption of the usual course of the investment. This measure, though affording relief for the moment, tends to add to the difficulties, from the demand for interest. From this remark it will be inferred, that the war has been the chief cause of the present situation of the company's finances in India. This will be a kind of general answer to the question stated as likely to arise, but may not be quite sufficient: it is therefore necessary, to preserve an accordance with the comparative statement given of our advantages since the year 1784, to enter a little further into the particulars of the charges since that time, which will likewise give some satisfaction on another query, which will follow, of course, on the most essential parts of the financial system. If, after the general termination of hostilities, any hopes may be entertained that substantial benefits will accrue from our increased dominions and extended trade, so that the financial embarrassments may be done away, and the advantages held out to the public may be realized?

The expenses of the Indian establishments underwent a very narrow investigation immediately after the introduction of the present system, and every practicable reduction was made. Upon the breaking out of the war with Tippoo, in the year 1790, and till the conclusion of it, the military charges were again greatly increased; but the sum received under the partition treaty, and the revenues of the countries ceded to the company, may be looked upon as affording some relief in that case. The establishments were then again reduced within such limits as the circumstances of the time would admit. I will, therefore, take my retrospect from the year 1793, when, preparatory to the renewal of the charter, every source of revenue, and every item of charge, underwent, once more, a most narrow investigation; and an estimate was drawn up with every possible degree of accuracy, in order to ascertain what might be a proper arrangement between the public and the company in a time of peace. It would occupy too much time to enter into the detail of that arrangement, or of the estimate; I will only make such references to the estimate, as may be required for the explanation of the general heads of charge.

On the comparison of the estimate made in 1793 with that for the year 1800-1, now upon the table, the results are found to differ in a material amount; notwithstanding the resources in the latter period, from the increase of the old revenues, the additions of those from the conquered provinces, and the new subsidies, exceeded those of the former in upwards of three millions sterling. From the explanation of the detail of the accounts, the committee must be aware, that this apparently alarming difference arises from the enormous increase of the expenditure. This subject, in particular, has constantly occupied my most vigilant attention, and the court of directors have always enjoined the strictest economy; but from the very time when the estimate of 1793 was framed, such has been the state of affairs, that it cannot properly be taken as a criterion of expense. The war and the engagements with our allies have necessarily occasioned an immense addition to the military charges, which have likewise been greatly increased by the additional allowances to the officers, under the regulations of 1796, and by subsequent grants of increased pay to the private Europeans, and to the native officers and sepoys at Madras. In the civil branches of the administration, great changes have also taken place: liberal allowances have been granted to offices of high trust and responsibility; the revenue and judicial departments have been entirely separated; and it will appear, on a minute investigation of the increased charge, that the part of it which may be looked upon as permanent, is to be attributed either to circumstances connected with the addition to the resources, or to the absolute proscriptions

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of policy and justice. A very considerable part of the charge estimated for 1800-1, may be looked upon as temporary. The additional interest on the debts will cease as they shall be discharged; and I look with earnest hope to the reduction of the great expense of field operations, which may reasonably be expected, from the general tranquillity which, before this time, has probably taken place in every part of India. A further expectation may be entertained, that when peace shall generally take place, the necessity will no longer exist for military establishments so extensive as at present. Partial reductions have already been ordered; but when every practicable retrenchment shall be made in the expenditure abroad, and when that at home shall be relieved of the war contingencies, means will be found to recover the disorders in the financial system, and to put the company in possession of every advantage, commensurate with all the general improvements, in other respects, which have been stated to the committee.

My sentiments on the propriety of furnishing investments by means of loans, have formerly been distinctly given: they are still the same. The measure was proper at the time, but by no means so for permanent practice; and although the same measure has been pursued in the last year, I should hope the very considerable supplies which have now for several years been furnished from the Treasury in England, and which it appears the intention of the court to continue, will prevent the further accumulation of the Indian debt.

The general state of the company's affairs, notwithstanding the increase of the expenses, and the accumulation of the debts in India, may be found, upon calculation, to have greatly amended within the periods of comparison. I have, upon a former occasion, brought to the notice of the committee, that the improvement under the operation of the present system, to the period of account then under consideration, was found to exceed eleven millions sterling: the alteration since not having been to any great amount, the amelioration may, on the same principle, be now taken at about the like sum. The additional capital must, as then noticed, be taken into the account, and some further adjustments will be required. If such has been the event, under the circumstances of two wars in India, in part of the period; under the circumstance, likewise, of a general European war, from the year 1793; the inference is highly favourable to the mode of administration—and the more so when the great additional revenue, and the complete conquest of every enemy in the East, are taken into the account. The debts abroad are certainly much greater than at the first period of the comparison; but the assets exhibit an excess still more considerable. At home, the favourable alteration, in both respects, has been to such an amount as to form in some degree the most serious part of the present financial embarrassment, inasmuch as what appears to be the chief cause of the apparent deterioration abroad, has contributed to the amelioration at home, to an extent rendering it a matter of great importance and some difficulty to restore the balance. This cannot be expected fully to take place till the return of peace. It had, however, been an object of very particular attention on my part; and from the confidence I have in the ability of the company's resources, I was led to form an extensive plan, by which, upon calculations as accurate as can be expected upon mere estimate, the company would be enabled, in a few years, to restore the whole financial system to a state of the greatest prosperity; so that the debts in India would be discharged, the engagements to the public would be fulfilled, and the ultimate operation would be the security of the full capital at the end of the present charter. I am fully aware that, in the judgment of some, my expectations will be pronounced too sanguine, and perhaps to be such that their realization exceeds every degree of probability, or indeed possibility; as the rapid increase of the debt in the few last years must offer an insuperable bar to the accomplishment of events so desirable as those now pointed out. This consideration, however, strengthens the ground of my proposition. If the loss of the surplus revenue operated so quickly in an unfavourable degree, sure the acquisition of revenue must be allowed to have an equal effect in the recovery of the system. Difficulties of a formidable nature, it must be admitted, will be in the way of the execution of a plan on so vast a scale. But these difficulties are only at the outset: once surmounted, no other obstruction need be apprehended, than such as no providence or care on our part can

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possibly meet; and I have no fear of hazarding my opinion, that, should peace take place, and continue uninterrupted for a few years, and the trade remain in its present flourishing state, the realization of the whole of the advantages now stated may be safely reckoned upon, provided the principles upon which the calculations are made are regularly attended to.

The grand and leading features of this plan are—1st. An arrangement abroad, so that a full million from the surplus of the revenues shall, at the commencement, be applicable to the purchase of investments.—2dly. That the investments from India and China shall amount, at prime cost, to four millions annually, in equal proportions.—3dly. That, during the first four years from this time, the company shall avail themselves of the power they already have, under the act, for augmenting their capital stock to the extent of two millions, at the rate of half a million annually, which, it is supposed, will realize one million sterling.—4thly. That the additional money, so raised, shall be applied exclusively to the liquidation of the present Indian debt at interest, either by increasing remittances in bullion or export to India to that amount, or by defraying additional bills drawn from India for the same purpose.—5thly. That the extinction of this debt, now calculated to amount to fourteen millions sterling, shall be carried on at the rate of one million annually, till the part of it, termed the Decennial Loan, shall become payable, which is expected to take place on or about the year 1807-8; and that the sum then payable on account of Indian debt, which is stated at 3,500,000*l.* shall be discharged in that year: on which suppositions the debts at interest abroad will then be reduced to 4,500,000*l.*; at which amount it may be thought expedient to keep them stationary. The gradual reduction of the debt will add to the surplus of the revenues, by the diminution of the interest; and in the year 1808-9, the sum of two millions sterling may be applied to the investments. The application of the surplus, thus increasing from year to year, will of course lessen the demand of India upon the home treasury, so that the balance of cash cannot fail of increasing to an immense amount.

I have stated the great difficulty to lie in the outset; my estimate is so calculated. In the first year, no surplus revenue is reckoned upon; the charges to be defrayed at home are all on a war establishment; the whole cost of the investment, four millions, is to be paid, and another million to be applied to payment of the debts, making together five millions, in aid of India. This must be furnished in exports; by the payment of bills to be drawn from abroad; and in whatever amount these, together, shall be found deficient, bullion must be remitted. In the second year, a surplus is expected in India of one million, and the freight is taken at a peace rate, and so continued from year to year, only lessening the amount to be paid at home on account of India, in proportion with the increase of the surplus from the revenues, as already mentioned. Ample allowance is made for the whole of the home charges in all the years; and if any unexpected additional charge should arise, the increasing balance of cash might be so employed, in the purchase of government securities, or otherwise, as to establish a fund fully sufficient to meet any peace contingency.

If it be objected, that the trade is taken on too great a scale, which, according to present appearances, I cannot allow to be the fact; still, taking it at a less amount, say only three millions of investment, the operation would be highly favourable, though not to the extent at first stated; while the other effect would be, to render the plan more practicable, from the smaller demand on the home treasury for the prime-cost of the investments. These propositions, it must be observed, do not arise from any new theory; they are simply upon the system I laid down in the year 1793, and are only an extension of that system. The expectations I then entertained were not wholly disappointed, and would have been most completely realized, but for the various events which have been brought to the notice of the committee. The difference between that time and the present is highly favourable to the success of the system I wish to adopt. There then existed every appearance of war with our European enemies, who held possessions in different parts of India; our most inveterate and formidable enemy, Tippoo, was still invested with considerable power. We now reckon upon the prospect of peace, and have no immediate fear from any power in India.

The summary abstract of what I have now brought to the notice of the committee is as follows:—An examination of the

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accounts upon the table, both abroad and at home;—the influence and power of the company in the year 1784, and at the present time;—the acquisition of territory, and state of alliances;—of foreign relations;—the improvement of the internal administration of their own dominions;—of the commerce in India, at China, and at home;—an explanation of the increase of the charges, and the prospect of again obtaining a surplus revenue;—the supplying investments by means of loans;—the improvement of the company's affairs, under every event, during the periods of comparison;—and, finally, the plan in contemplation on the return of peace.—In retiring from my official connexion with the affairs of India, the committee will do me the justice to believe, that I can never be indifferent as to the success of the measures I have pointed out. I entertain on the subject the most sanguine expectations. Under other circumstances, I might, at the present moment, have felt deep regret, in the apprehension that new systems might have been introduced, and new theories applied to the administration of our Indian empire. I make no doubt, many things will be found to require improvement and correction, and none will rejoice more sincerely than I do, in the fame and glory of those who may be the instruments of those improvements. But I am perfectly satisfied, no radical change in the system I have pursued will be made, but on the fullest conviction of its propriety: and under that impression I shall continue to contemplate, with heartfelt joy, every progressive improvement in our Indian concerns; reposing the most entire confidence in the talents and integrity of those whom his majesty has appointed to succeed to me in this important charge.

Mr. Dundas then moved a series of Resolutions founded on the preceding statement, which, after a short conversation, were agreed to.

Debate in the Commons on the Habeas Corpus Suspension Indemnity Bill.] May 27. The *Attorney General* (Mr. Law) rose, in consequence of the recommendation of the committee of secrecy, to move for leave to bring in a bill "for indemnifying such persons as since the 1st day of February 1793, have acted in the apprehending, imprisoning, or detaining in custody, in Great Britain, of persons suspected of high treason or treasonable practices." The learned gentleman entered into a brief explanation of the justice and expediency of the proposed bill. When, in consequence of an act of the legislature for the general security of the tranquillity and good order of the country, persons were, in the execution of a public duty, placed in such a situation, as to be either liable to punishment, or to be compelled to disclose what they were under the strongest of all obligations to conceal, it was matter of common justice to afford them a degree of protection which they could not enjoy according to the common forms of law. In this stage of the business, he should confine himself to an explanation of its proposed extent of application. It was his intention that it should be large, ample, and extensive, with the execution of the act which suggested the propriety of indemnity. Its operation was to apply to all who, in consequence of their conduct in the execution of the act, are liable to be impleaded; that, if impleaded, they might be enabled to stay proceedings; and that if judgment had been obtained against them, they might apply to stay execution.

Mr. *Grey* observed, that the learned gentleman seemed to think that nothing was necessary to be said, but that the bill was an act of immediate justice; but it could not surely escape his attention, that what was styled an act of immediate justice might be an act of extreme oppression to many unfortunate individuals. In former periods it had been necessary to suspend the Habeas Corpus act, and the persons exercising the powers granted under such a suspension possessed the same claims to immediate justice as the present ministers. But it did not occur to his recollection, that legislative provision was adopted. It was incumbent, therefore, on the learned gentleman to show that to be now necessary which was not held to be so in former times. The principle of the bill was more in the spirit of hostility to the principles of the constitution, than any measure of the late administration. Viewing it in this light, he could not consent even to its introduction.

The *Attorney General* observed, that there was a precedent in 1746, and another in 1780: the language and the spirit of these two acts it was proposed to apply to the present case.

Mr. *Archdall* quoted the authority of lord Somers to prove that there was no-

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thing unconstitutional in the principle of bills of indemnity.

Sir *F. Burdett* thought the bill quite of a piece with all the measures of the late ministers, who, conscious of their own criminality, were desirous to protect their inferior agents.

Mr. *Tierney* contended, that the committee had no power to examine the subject on which the bill was founded. He considered this proceeding as highly dishonourable to the House, and calculated to screen the late ministers by an *ex post facto* law. Ministers had formerly asserted that their conduct in this matter was strictly legal; and when he and several of his friends wished to be informed of the extent of the responsibility of ministers, they had been told by the late attorney general, that a bill of indemnity was wholly unnecessary. He put it to the candour of the chancellor of the exchequer, whether a bill so introduced ought to receive his support? A rumour was abroad, that the change of administration was a mere juggle. Of this he would say nothing; but wicked men might take occasion, from the manner in which the bill was introduced, to draw arguments in support of this notion; and might say, that the late ministers had gone out to get a committee appointed who might recommend a bill to screen them from punishment. He recommended the appointment of another committee, on whose report, if necessary, the bill might be grounded.

Mr. *Pitt* said, that this bill was not intended to screen persons from punishment who had broken the law, but to protect persons from punishment who had acted according to the law, and who, if they should be accused, could not defend themselves without disclosing secrets which they could not disclose without the greatest danger to the lives of individuals, and to the state. That, in the exercise of so great a power, some irregularities might have occurred, he could readily suppose, though he was not aware that any such had happened.—The next question was, upon what evidence were they called upon to pass this bill? If the object of this bill was, to secure persons who, if accused, could not make their defence without great public inconvenience, and without stopping up those channels of intelligence, by means of which the dangers that threatened the state had been averted, then it became necessary to ask, upon whom would the House depend for information? And this brought the question to the construction of the committee. As to himself, as one of the members of the late administration, he certainly was deeply responsible to the state, for all the measures that he had advised; but certainly not, in this case, personally responsible, because it was the secretary of state who had issued the warrants. The whole point resolved itself shortly into this—whether persons who had done their duty should be punished because they were precluded from stating the facts necessary to their defence, and whether the evidence laid before the House was such as to justify them in passing this bill?

Mr. *Bragge* said, that if a committee, on whom certain duties were imposed, went out of their way, and proposed formal resolutions to the House, it would undoubtedly be irregular; but the House had never considered it as irregular in a committee to make suggestions to them as to what they thought ought to be done.

Dr. *Laurence* would consent to a bill of indemnity under proper modifications, but expressed his determination to watch over the bill to be introduced with proper constitutional jealousy.

Mr. Chancellor *Addington* said, that an hon. gentleman had contended, that the bill now proposed did not fairly arise out of the papers referred to the committee; he contended it did, and there they were at issue. It was impossible the persons, whom it was wished to indemnify, could defend themselves without sacrificing the obligations of public and private duty, and therefore the bill was indisputably necessary. With respect to what had been said, as to a juggle between his majesty's late and present ministers, he thought it wholly unworthy of that hon. gentleman. No such expression, however, whether it came from that honourable gentleman or any other person, should deter him from doing his public duty, or from giving a conscientious vote for the protection of those whose measures had, in his opinion, saved the country. With those ministers he had sometimes differed in opinion, but never with respect to those measures which had saved the country from destruction. He now asked that for others, for which, by-and-by, perhaps, he should have to ask for himself. Let it not be understood, however, that he supported the measure from any selfish consideration: every one who did his duty

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was intitled to protection; and he hoped, that whilst he performed the duties assigned to him, the same protection would be extended to him.

Leave was given to bring in the bill.

June 5. The order of the day being read for the House to resolve itself into a committee of the whole House, upon the bill, petitions of Jasper Moore, John Roberts, Peter Belton, Thomas Evans, John Herron, and Thomas Goodluck, were severally presented to the House, and read; taking notice of the said bill, and complaining of the imprisonment of the petitioners, under the provisions of the several acts for empowering his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government; and praying the House to take their several cases into consideration; and that the said bill may not pass into a law; and the said petitions were severally ordered to lie upon the table. The attorney-general then moved, that Mr. Speaker do now leave the chair.

Mr. *Jekyll* said, he had not thought, that, however unusual a measure of this kind was, it would have been attempted to be carried into effect in so unusual a way. He had expected that, upon a measure levelled at the dearest interests of the people, the attorney-general would have entered at least into some details. The learned gentleman had contented himself with merely moving for the Speaker's leaving the chair, at the same time pointing to the report of the secret committee which lay upon the table. Upon that report alone he seemed to have rested the propriety of going into a committee upon such a bill as this. He regretted that his learned friend should have been the mover of such a measure as this was, the effect of which was to stop the regular administration and course of justice. With respect to any idea of responsibility within the walls of the House of Commons, ministers had nothing to dread; they were only actuated by their terror of that responsibility to which they knew they would be subject by the operation of that pure administration of the justice of the country which nothing but a bill of this nature could divert. Responsibility was a word which ought to be blotted out of the parliamentary dictionary. There had been a period when a learned person, now no more, had induced the House to come to a vote, that the influence of the crown "had increased, was increasing, and ought to be diminished." Since that time the influence of the executive government had increased far beyond what it ever had been. As to the report of the committee, he would desire any candid man to lay his hand upon his heart, and say, whether it contained any thing to justify such a measure? The report was a mere farrago of old materials, consisting of quotations from the prophet Ezekiel, the prophet Brothers, the writings of Spence (a fanatic), and the New Jerusalemites. He begged the attorney-general to refer to what had recently appeared upon the trial of Spence in the court of King's-bench; and he would put it to him, whether he did not seriously think the man completely deranged? Whether every individual of the numerous audience upon that occasion did not feel a sort of indignation at a man's being put upon his trial who was a fitter object of confinement in Bedlam? When the attorney-general had, on a former day, introduced this measure to the House, he had stated, that it was justified by the precedents of 1746 and 1780; but he contended that neither of them bore any analogy to the present instance. That in 1746 pointed only to particular acts done for the suppression of the rebellion, and not to all acts committed in the course of a long administration: its object was definite, but that of the present bill was indefinite. Of the same kind was the bill of 1780, which was to secure ministers and public magistrates for acts done in suppressing a flagrant insurrection in the metropolis. It was true, the bill proceeded upon the ground of insurrection; but, did any such ground really exist? On the contrary, he believed the mass of the people to be sound and loyal. When he considered what ministers they were who desired to have the shield of protection thrown over them, he thought the application ought to be treated with contempt and ridicule. What!—when ministers came to the House for a bill of indemnity, was it to be endured that they should exculpate themselves by saying that they had not detained any without evidence upon oath against them? That they had exercised their power in depriving men of their liberty upon what they called authentic documents! Words of pretty extensive import, especially when ministers

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themselves had the construction of them. The constitution had been particularly careful in spreading guards around the liberty of the subject with reference to charges for high treason; it had required that the accused should have lists of his jurors and the witnesses against him, and that there should be two witnesses upon oath to convict him of an overt act; but all these protections would be rendered nugatory, if ministers were to be allowed to evade them, by confining, upon charges of treason, whom they pleased, and for what length of time they pleased, with no other evidence to justify them but what they were pleased to term authentic documents. He had heard, that, upon the trials for high treason at Maidstone, none of the informations had been returned to the judges of assize. Mr. Justice Buller had called for them, and, upon the lawyers for the crown informing him that they were not in court, he had expressed his disapprobation at the original examinations upon oath, if such were taken, not having been laid before him. With respect to the bill itself, he could not have thought the attorney general would have placed such a one upon the table. Gracious God! was it to a British House of Commons he was addressing himself? Would they consent to vote for a bill, which opened a system of government by secret information of spies and informers, and reduced it to something more like a divan or the Spanish Inquisition? What man was safe under such a system of government; and what ministers who had had recourse to it, deserved to be protected? He contended, that the bill would not only throw its protecting shield over ministers, but would cover such enormities as those detailed in the petitions presented this day with regard to Mr. Aris. It was a matter of surprise and astonishment to him, that ministers should refuse any inquiry into the conduct of such a man as Aris, of whom complaints of injustice, oppression, and cruelty, had been so repeatedly urged. Something had been said of a sympathy and feeling between the old and the present administration; he could not avoid being of opinion that such sympathy did exist, when he found such a similarity in their measures; Habeas Corpus Suspension bills, Seditious Meetings bills, Pension bills. Upon the latter subject the ex-minister had not wholly forgot himself: he had retired with the assurance of two pensions to the amount of 7,000*l.* a-year; one he already had, and the other, no doubt, he very soon would have. Whatever disposition the House might feel to shelter the servants of the executive government, it was a paramount duty not to suffer the people to be made the victims of tyrannical ministers, and then to be deprived of their legal means of redress.

Mr. *I. H. Browne* defended the conduct of the committee, and justified their recommendation of the present measure. He thought the more the present administration followed the example of their predecessors. The more they would deserve the confidence of the country. He regretted the necessity of the measure before the House, and said his conviction of its necessity alone induced him to give it his support.

Sir *W. Elford* contended, that not a word in the bill precluded the petitioners from having redress at law. He justified the conduct of the committee, and said it recommended an act of justice, not of favour. He supported his majesty's late ministers, from a conviction that they acted for the good of the country; and he believed in his conscience its preservation was owing to their vigilance, their firmness, and their manly conduct.

Sir *F. Burdett* said he had heard no argument from the honourable baronet or the hon. gentleman to justify this measure to his mind. He was glad to hear it avowed that the bill was not a bill of indiscriminate indemnity to all persons acting under the suspension of the Habeas Corpus law, or to excuse any of those wanton severities practised under the pretence of executing the powers entrusted to ministers by the suspension of that law. With respect to the report of the secret committee, what was it, "verbosa et grandis epistola;" a voluminous pamphlet, full of declamation, of conjecture of assertion without proof. Was it imagined, that because parliament had voted strong measures to ministers, they were therefore bound to indemnify them for the abuse of those measures? When the House was called on to vest in them those extraordinary powers, it was said there was no cause to apprehend an abuse of those powers, seeing the broad scale of responsibility on which ministers stood. But now, when so many proofs existed of the wanton cruelties exercised towards individuals under the pretended authority of those powers; the moment responsibility is mentioned, the moment the inno-

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cent sufferers show the slightest disposition to seek redress from the laws of their country, a bill of indemnity is brought forward to screen their oppressors. He wished to know whether this bill was a measure brought in by the attorney-general, as a measure which he himself thought consonant to justice and constitutional law, or whether he brought it in officially at the desire of others? He could not think that the learned gentleman had had an opportunity of examining into the conduct of those whom the bill went to indemnify, or the proofs how far they deserved indemnification. For his own part, he was so thoroughly convinced of the gross abuse of the powers entrusted to ministers, that he should oppose the Speaker's leaving the chair.

Mr. *Martin*, of Galway, contended, that ministers were the only persons who had a right to complain of this bill: their conduct had been perfectly legal; and they could easily prove it to have been so, were they at liberty to disclose the evidence which had been laid before them.

Mr. *Grey* said, if any thing could add to his feelings of regret for the manner in which this bill had been introduced, and the principles which it contained, it was, that gentlemen opposite should think it unnecessary to produce any precedents or arguments, for a measure new in the annals of British history, and unknown to the constitution. What was the principle of the Bill? Was it not that his majesty's late ministers had been guilty of high crimes against the law and the constitution of the country, and that they were to be indemnified for these crimes, and secured against the redress which the law would grant to those whom they had oppressed? In his opinion, the bill ought to be entitled a bill for the protection and better encouragement of secret accusers. He would assert, that this was the first case in the history of the English constitution, wherein such men were proposed to be openly protected and encouraged. He called for any precedent of such a measure. He would, however, give to the right hon. gentleman, for whose security this bill was intended, a precedent in its favour, if he should choose to adopt it. The history of it was given in the annals of Tacitus, and it occurred in the reign of Tiberius. The words of the historian are: "Et quia Cornutus, sua manu ceciderat, actum de premiis accusatorum abolendis, si quis majestatis, postulatus, ante perfectum judicium se ipse vita privavissit: ibaturque in eam sententiam, ni durius contraque morem suum palam pro accusatoribus Cæsar, invitas leges, Remp. in præcipiti conquestus esset; subverterent potius jura, quam custodes eorum amoverent." What is the remark of the historian upon this conduct, and upon the character of these secret accusers? "Sic delatores, genus hominum publico exitio repertum, et pœnis quidem nunquam satis, coercitum, per præmia eliciebantur." Such a system must tend to the ruin of all public justice. Montesquieu has observed, that a government conducted by spies and informers might be tolerated if conducted by honest men; but the necessary infamy of the accuser must destroy all confidence in it. Had these principles been stated, and supported on such authorities in former times, the consent of the House would have immediately resulted. But in these times it is necessary to defend the clearest and the best ascertained principles, to have recourse to the principles of the constitution, and to argue from them in support of those which result necessarily from them. This measure was a direct violation of the principles of the constitution, so far as they regard the administration of justice. What was it that had rendered the administration of justice in this country so much the object of admiration? It was because it was administered *foribus apertis*; because the accuser could be confronted by the accused; because the accused was before trial made acquainted with the charges against him, and with the persons by whom they were adduced. But this was not the principle of this bill; for its object was, to indemnify those who had acted in direct opposition to this principle. Surely it were better to allow a hundred delinquents to escape, than to vest in the executive power the authority to punish all whom it might choose to punish, whether innocent or guilty, by enabling it to confine them for any unlimited time, without being obliged to bring them to trial? There now reigned the greatest internal tranquillity, and there was no external invasion. For what purpose then, was the Habeas Corpus suspended? It had been said, that this was an act of justice, and the House were told to consider what was due to the late ministers; but, what was due to those miserable men, who had suffered the greatest hardships

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and cruelties during an imprisonment of three years, and in one case of six years, was entirely kept out of view. If these men were guilty, what was to be feared from them? If not guilty then he would retort the appeal to the justice of the case. But the measure was as impolitic as unjust; because, if power was so exercised, it must increase not allay discontents. He believed that the bill would put an end to all responsibility of ministers. They had of late talked much of that responsibility. He wished the House were more ready to enforce it on them, and less disposed to relieve them from it. He contended, that not one of the precedents went the length to which this was proposed to be carried. There was no instance, in which any body of men had been indemnified for acts which were stated, not to be contrary to law (but the disclosure of which was dangerous to the public), but which was the effect of deliberation. That was the case in this instance; for the late ministers, who were the leading objects of this bill of indemnity, had acted, in this case, upon most mature deliberation, and after repeated warning of the evil they were creating.—In a word, he contended, that bills of indemnity were to be granted only to those who had on a sudden, for the public safety acted in a way which the law would not justify; but never to those who acted deliberately and upon advice and authority, which was the case in this instance. Why then, it came to this: the bill of indemnity was only part of a system by which prosecutions were to be carried on against individuals, upon secret informations, while the executive government was pleased to have it so. He thought it fairer to say, at once, that we should be under a form of law which subjected us to the inquisition of Venice—that the safety of the state and the freedom of the individual were incompatible with each other—that the danger of popular commotion was such, that individual liberty was to be sacrificed for the preservation of the state—that we must protect the power of the state, even although it might in some cases oppress innocence; that, in short, we must protect power against innocence, but not innocence against power. Mr. Grey observed upon the probable effect of corruption in the principles, or heedlessness in the acts of the legislative body, especially as they affected the principles of public freedom; quoted the authority of Montesquieu, to show that our constitution must perish whenever the legislative body should become more corrupt than the executive; and expressed great apprehension that we were going on upon a principle which led to absolute indifference to every thing except the suppression of popular excesses, which were evils he admitted, but there were other evils that were equally to be dreaded; and it was a thing to be lamented, that in the whole course of the late and present administration, marked as they were for so many provisions against the freedom of the subject, there was not one measure adopted by parliament against the proceedings of the executive government.

Mr. *Windham* said, that he was desirous of taking immediate notice of some of the observations of the hon. gentleman, most of which, although in themselves good, were answered without much difficulty, because they were of a general nature. It was stated, that this measure was not to protect any persons who had done any thing which was wrong, but to prevent them from being subject to vexation upon cases in which they had done that which was right; and that was rightly stated. The necessity of a measure of this sort seemed to be founded on the peculiar nature of the present proceeding, namely, "that those who have acted under the law, and who must depend on the information of others—(information which it is not to the advantage of the public to be made known), have acted only in the execution of their duty, and therefore ought to be protected." This measure, therefore, in one view of it, was to be considered, properly speaking, as a measure for the protection of the public against an injury which they might sustain by an individual being called upon to produce the justification under which he acted. Now, he was ready to contend, that it was not to the interest of the public, that a person who had acted in the service of the public should be so placed; and as to the inconveniences which were supposed to be introduced by this practice of taking secret information for the safety of the public, he should be disposed to close with the hon. gentleman, and say, that the inconvenience of putting an end to the practice would be greater than the inconvenience of continuing it; for he allowed the inconvenience was considerable on both sides. He would say, therefore, that an

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individual who had acted for the benefit of the public ought never to be put in a situation, such as many persons would be in if the bill should not pass. The hon. gentleman's argument upon this occasion was not only calculated to show that the imprisonment of persons under the suspension of the Habeas Corpus act was oppressive, but it went the length of showing, that no proceeding whatever should have taken place upon any secret information; although the House had always intended that such proceedings should take place. It being so in the view of the House, it would not be inconsistent with its duty to act upon that idea. That being the state of the case, these persons were at least likely to be in a situation in which they had done right, and what the House intended; and yet, if they were not protected by a bill of this sort, they would be open to vexation, accusation, and probably to punishment, unless they produced that which it was inconvenient to the public to have produced. This, he apprehended, was something of an evil. But the hon. gentleman said, we must consider, upon this occasion, the precedents which appeared in our parliamentary history; and he urged a very humane maxim, to which, under certain qualifications, there could be no objection, viz. That it was better that many guilty persons should escape, than that one innocent person should be condemned. In this humane maxim he agreed with the hon. gentleman; but not in the application of it, because the case here was not whether any innocent person should be sacrificed; that was impossible, since the utmost an innocent person could endure was imprisonment; convicted he never could be without clear and satisfactory proof of guilt; and here he felt himself disposed to close with the hon. gentleman, that the inconvenience to the public would be greater on the other side, for under the apprehension (because the thing was possible) that some body would misuse his power in some individual case, no power should be given at all to any body, that is to say, if power be given, the person exercising it shall, at all risks to the public safety, either give up the information on which he acted (a thing most mischievous in some cases), or the party using it shall be liable to punishment,—a thing most to be avoided, on account of the discouragement it would throw in the way of men who have arduous public duties to perform.—He would not endeavour to show the exact proportion there was between the inconvenience in the one and in the other of these cases; but he was deceived if there was any difficulty in deciding the matter. However, that must rest with the judgment of the House. The question to be asked of the House was this: "Do you, upon the whole, think that the evils which have resulted from the power that has been given to those who have acted under the suspension of the Habeas Corpus act have been such as that it will be better to expose to prosecution, and perhaps to persecution, those who have not only acted conscientiously, but under your own authority; and will you place them in a situation in which they may be punished for their virtue, or will you protect them for it?" This, it must be remembered farther, was not the whimsical or capricious conduct of individuals, but the conduct of persons who had acted under the authority of the House. This, however, he offered to the House, and not to the hon. gentleman, for he had said that he would not proceed at all on information of a secret kind; and was against the whole practice of taking information from spies and informers. This mode of rejecting information from informers, was a sort of specific adopted of late for certain purposes, and to answer certain complaints, which gentlemen opposite had taken under their protection. We know that these secret combinations are fortified and concealed by the obligation of the most wicked oath, but, on those who took them, most binding: What means, therefore, were we to have of protecting ourselves against such evil spirits, if we had not secret information? He knew of none. He was ready to pay deference to political maxims when they were applicable to the subject in discussion; but here those quoted by the hon. gentleman did not apply. The remedy to be adopted must be different from any that had been formerly tried in the affairs of state, because the complaint to which it was applied was different; and we were now in such a state, that if any man was bent on the total destruction of this country, he could not do better for his purpose than to counsel us to follow nothing but what had been the practice of former times. By so doing, under the cloak of attachment to precedent, and reverence for antiquity, he might soon work the ruin

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of this country; for, in that course, nothing could be found that was applicable to the present political condition of things. But it was not an uninteresting thing, this mode of proceeding on the part of some gentlemen on the other side of the House. The vogue at present was, to say, "we ought to be tied to ancient precedent; we are to do nothing that we cannot sanction by the authority of former proceedings." The short answer to that was, that there was in fact no precedent for the present condition of things. We might ask, what precedent there was for rebellion of the sort which we had before us? We had indeed a rebellion in 1715, and another in 1745, and they had some resemblance to one another; but he apprehended that the first elementary book which led us to comprehend subjects in the way of reason, would teach us that it was not an inevitable consequence, that two things must be of the same nature if they happen to be of the same name. He therefore apprehended that the rebellions of 1715, and 1745, were not the same as the present state of things, merely because they might be both called rebellion. He maintained, that all reasoning which should be made use of was not to depend on maxims alone, but was to be considered with reference to the case before us, and all its peculiarities. In the first place, it was a little odd to say, that since the French revolution had taken effect, we were to be guided by old maxims; that is to say we were to be guided by old maxims when all moral principles were changed, and we were in a state of things in which the authors of the new order boasted that they wiped off with a spunge every thing that was old. It was a little hard, that while there was so much invasion of right, so much overthrow of custom, in the practice of the present day, there should be nothing new in the remedy that was to be applied to the evil, and that we should all at once become so much attached to old maxims of government. Besides, the thing became a little more extraordinary, when we compared this fondness for precedent with the opinions which had been expressed by some of our reformers. We had some principles which he hoped would be permanent, notwithstanding any attempts that might be made to alter them; but others were changing in the variety of human affairs. The earliest usages of the constitution of our country, the purity of which was formerly proverbial, the hon. gentleman would have us change with as much facility as one could one's garment; but he would have no law altered. No alteration whatever was to take place in any part of the law; but the constitution itself, as was proposed by some gentlemen, might be altered most readily. He knew not whether it was a toast at the Whig club or not, but he thought it would do well enough to illustrate the doctrine contended for to night—"Fixed laws, and a moveable constitution:" But our laws were not to be changed; there was nothing that should make such change. Now, upon that subject he could only say, that if the French revolution had not introduced a change in human affairs, he knew of nothing that had done so since the general deluge. Notwithstanding all this change, the laws were to be immovable; the gentlemen were become at once mysteriously fond of old maxims, and of none more than "stare super vias antiquas." Our laws were become fixed and unalterable, like the laws of the Medes and Persians: he really thought that laws should be made to suit the affairs of mankind as they arose, and that which was now before the House was of that character. It did not become him to say how the power which this bill recognized was used; it was for the House and the country to judge; but he was convinced, that without this bill the sources of information would be cut up, and without applying opprobrious terms to informers, he would say, that in the present state of things, they were necessary to correct the mischief of those criminals who wished to bring the state to ruin.

Mr. *Horne Tooke* was far from thinking that the members of the present administration would follow the example of those whom they had succeeded. The unfortunate persons whom it was found necessary to take into custody, were now treated in a very different manner from what they used to be: all they now suffered was deprivation of liberty; whereas those who had formerly been taken up, had been treated with the greatest severity. He did not impute this treatment to any wish of the late ministers that such conduct should take place, but he attributed it to their neglect. With respect to the learned gentleman by whom the measure was introduced, he could not but consider the bill as his brief, and the chancery, and a future peerage as his fee—[Order, order!]. He

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was stating these circumstances, not as a charge against the learned gentleman, but as his excuse. Within the last forty years, no less than twenty peerages and ten millions of money had been showered down upon gentlemen of the bar; and he really thought that flesh and blood could not stand against such temptation. The crown lawyers had uniformly defended all the measures which had been proposed, though many of them had been afterwards admitted to have been improper. A person very high in the profession once maintained a proposition to be law! when a passage out of his own book was read containing a directly contrary principle. His hon. friend had said, not that the laws should never be altered, but the maxims upon which they were founded; such as, that a man should never be a judge in his own cause, &c. because these were principles which could not change. With respect to this bill, if he knew any fair and honourable means of preventing the passing of it, he would willingly lay down three lives, if he had them, to accomplish it.

The *Attorney General* thought the bill ought to pass, not as a matter of favour to the late ministers, but of strict justice to them, and of absolute necessity to the future safety of the country. Even if they, from any high-mindedness, should not desire this indemnity, he thought it ought to be forced upon them; because, in bringing in this bill, he did not contemplate them, but the future security of the country. It had been said, that no person had been chosen out of what was called the Opposition to sit on the committee. He would state the ground upon which that selection had been made: it was this, that, considering this to be a subject of the greatest importance, as affecting the safety of the state, it ought not to be submitted to the consideration of gentlemen, who, judging from their former language, might be inclined to treat it with levity, or who might perhaps (he would explain what he meant by the expression) disclose the circumstances which were laid before them; because gentlemen who treated the whole of this subject as frivolous could not be actuated by the same feelings as those were who considered it a most important subject. Those who could consider subjects like these as matters of ridicule, should never, by his nomination, be upon any committee appointed to consider of grave and important questions. One of the objections to the formation of this committee was, that some of the persons who composed it would be themselves benefited by that indemnity which they recommended. This assertion was hardly true—certainly not to the extent to which it had been made. For, of the members of the late administration who were upon that committee, not above one could derive any benefit from the act of indemnity; as there was only one of them by whom any warrant of commitment could have been signed. The principle of the bill was this, that the state ought to indemnify those persons whom it deprived of the legal means of defence. The question was, whether it was right to deprive those persons of the legal means of justification which they possessed? Most undoubtedly it was, because those persons could not enter into that defence which was necessary for their justification, without disclosing circumstances which would be highly prejudicial to the public. In former cases where bills of indemnity had been passed, the rebellion had been quelled, and the mischief had passed by; but now the mischief was circulating through the veins of the state; a conspiracy was carrying on, the object of which was, to subvert the government, to destroy all religion and morality, to overturn the throne, and to loosen all those ties which bind man to man, and constitute the happiness of society. He was glad the hon. gentleman had turned his thoughts to the perusal of the statute-book, because he would there obtain more information upon this subject than he would in Tacitus. If he had looked accurately into the precedents, he would have found that the act which passed in 1780, was taken from the act of 1746; that the act of 1746 was taken from that of 1716; and that the act of 1716 was taken from the 1st and 5th of William and Mary; which last acts were passed in times propitious to liberty. The hon. gentleman had contended, that these statutes confined the indemnity to what had been done in the course of the rebellion; but if he had read them attentively, he would have found that it expressly extended the indemnity to acts done before the rebellion, and for taking up persons who might disturb the government. When the bill passed in 1715, there were many persons in parliament of the greatest abilities, strongly attached to the constitution; and they would not

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have consented to the act of indemnity, if they had not considered it as founded in justice, and conformable to the constitution. The hon. gentleman supposed that if any person who had been taken up was really innocent, he might establish his innocence in a court of justice, and of course obtain a verdict against the minister by whose warrant he was committed; but, if it could be shown that the warrant had been issued upon probable grounds, that would be a complete defence, even though the party should afterwards appear to be innocent. A learned gentleman had referred to the trials at Maidstone, and stated, that the judges had complained that there were no informations upon oath. But why did they complain? For the same reason that they frequently complained at the assizes when the informations were not laid before them; because it was a great convenience to the judges to have these informations, in order that they might know the nature of the business that was coming before them. But he really should have thought that Maidstone would never have escaped the lips of any person on the other side—Maidstone! never was there such a complete shipwreck of a party as at that fatal place. He should have thought that the word would have been anathematized, and that those gentlemen would have anxiously endeavoured to blot it out of their own memories, and of the rest of mankind. He should have thought, that the recollection of Maidstone would have satisfied gentlemen, that against such an undermining system of conspiracy there was no other protection but spies; more especially when it appeared that the traitors had been able to impose upon the simplicity of the greatest, the wisest, and the best of men. Let Reynolds (who was called a spy, but to whose information, and the unexampled firmness and gallantry of the gentlemen and yeomanry of Ireland, that country owed its safety), be put in competition with the traitor O'Connor; and, while he would hug the spy, as he was called, to his bosom, he had no language to express his detestation of the other.—The bill did not indemnify persons for any act of cruelty or oppression, if any had been committed. He voted for it with a safe conscience; and he trusted that, after it had passed, he should still retain an unblemished reputation.

Mr. *Tierney* said, that had he been examined at Maidstone, he should have given the same evidence as the rest of his friends gave there; but he was sure the attorney-general would not assert that, since the confession which had been made, any of those gentlemen who gave evidence there, any longer continued to feel any friendship for Mr. O'Connor. None of the precedents quoted applied to the present bill: they limited the time of acts being done by the executive government for which an indemnity was granted; but, in the present instance, the House was called on to indemnify ministers for acts done by them for eight years back. He believed that ministers, in applying for this bill, were more anxious for their own justification than for the public safety. The learned gentleman might show that they were influenced by no bad motive: but might they not have been imposed upon? The course he should have preferred would have been to give these men an opportunity of proving their innocency, and at the same time to have indemnified ministers from personal risks and penalties. By this bill the House was called upon to enable the late ministers to destroy the fortune, families, and reputation of any man in the country. No damages that could be awarded would replace these unfortunate men in the same rank in society which they formerly held. The committee had acted on the information given them by informers; but if the persons arrested had been put upon their defence, they might have showed that those informers were actuated by improper motives.

Mr. *W. Smith* considered it to be the business of spies and informers to discover crimes, and not to punish them. Such men might be necessary to the security of the state, but when persons were confined for years in consequence of their information, it became matter of serious enquiry. He thought this was an indemnity for men possessed of power and influence, whilst those who had been the sufferers, and who were perhaps friendless and unprotected, remained without any prospect of indemnification.

Sir *W. Pulteney* admitted the necessity of preventing a disclosure of certain sources of information, but deprecated the mischievous effect of the precedent which the present measure would establish. It was an unfortunate dilemma, and the difficulty was great. After some period or other ministers should be made responsible for their conduct; otherwise the

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same system of encouraging spies and informers, which prevailed in other governments might be introduced into this country. The remedy which appeared to his judgment the best was, to indemnify the late ministers during the war, and only during that period; since no danger could at its termination be apprehended from disclosure. He thought they might then be left to defend any actions brought against them, upon the fair ground of justification which they no doubt possessed.

The *Solicitor General* said, it would be recollected, that during the war the means of defence might be destroyed, witnesses might die, and at the end of that period, those whom it was wished to protect might be left without any means of defence against whatever actions might be brought against them; added to which, actions for trespass, or false imprisonment, could only be brought within four years after the cause of action had occurred. As to the bill preventing any one from justifying his fair fame, it was well known that no justification of that kind could take place under an action of this nature; for if the defendant could prove that he acted upon a legal information, whether that information was true or false, there was an end of all further proceeding. He was perfectly satisfied of the necessity and justice of the present measure.

The House divided:

Tellers.

YEAS	Mr. Hawkins Browne ... Sir William Elford	172
NOES	Mr. Jekyll..... Mr. Tierney	38

June 11. After several petitions had been presented against the bill, the chancellor of the exchequer moved the third reading.

Mr. *Sheridan* wished, previous to the last discussion upon this bill, to know whether any of the persons who had been discharged had been since taken up? He trusted, if this information was not given, that the bill would not be persisted in that night.

Mr. Chancellor *Addington* said, that if the hon. gentleman had really been desirous of information, he ought not to have deferred a motion upon the subject for two months. The committee had stated, that some of the persons forward in instigating the plans in agitation, were those recently released; and it would not become the House to throw a doubt upon that assertion. If it was only wished to have the names of those who had been arrested, he had no objection, but it was too much, on the question of the third reading of the bill, that he should be considered as bound to give the information required.

Mr. *Sheridan* said, that the parties mentioned in the report had applied to him, and had denied the assertions contained in it respecting them. There was nothing in the committee, appointed in the manner that it had been, which entitled it to his credit. He believed it had been misled. If ministers had any of the men in custody, who were mentioned in the report as having been recently liberated, there could be no difficulty in their saying so. But if, after the committee had described them as just objects of suspicion, it should appear they were all at large, it would follow that the judgment of the committee was wrong, or that ministers were culpable in not acting upon it. If they were at large, and ministers knew they were innocent, they ought to have an opportunity afforded them of obtaining redress.

Mr. *Bragge* said, that, although the assertion in the report was well founded, yet it might be true that those to whom it applied were not in custody. Some might have got out of the way; others might have been considered objects of lenity, on account of their previous confinement; or it might have been thought there were persons more dangerous than they were, and that it was not necessary to apprehend them. He therefore thought no argument could be drawn from such persons being at large, supposing the fact should turn out to be so.

Mr. *Grey* contended, that the information required was necessary previous to the third reading of the bill. He was informed that not one of the persons before detained under the Suspension act was now in confinement; if this was true, what difficulty could there be in ministers saying so? The report stated that there were meetings for the purpose of overturning the government of this country; that, at such meetings, the health of the first consul of France was drunk; and that they were encouraged by some of those persons, recently liberated, who had been their former leaders. If this were so, were they persons whom ministers ought to suffer to be at large?

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Mr. *Whitbread* said, it appeared by the petitions which had been lately laid before the House, that the committee had been deluded; and had taken a number of things upon trust. As to the bill, he regarded it as one of those measures, which, when taken in the mass, would complete the destruction of the constitution; for a minister, after this bill was passed, would never have any responsibility attached to him: he had nothing to do but to say that he acted in defence of the constitution, and then he must be indemnified. For these considerations, and because the question which had been so repeatedly put had not been answered, he should move an amendment to the question, by leaving out the word "now," and inserting "Monday next."

Lord *Hawkesbury* admitted, that the information might be fairly asked for, and he was willing to admit its necessity; but that was no reason for delaying the bill. The power of arresting persons, and keeping them a while without bringing them to trial, was a power which parliament should watch; it was right that parliament should know the extent to which that power had been used; but he saw no ground why the information should come by way of answer to a question, in preference to the regular course of its coming before the House upon motion; unless, indeed, gentlemen preferred private information to public document. What was the nature of the present bill? Those committed on charges of treasonable and seditious practices, from the nature of their system, could be found out, and their schemes discovered, only from secret information. This bill was to protect those who acted on these informations, without obliging them to discover the informers; which, if it were done, would disable the government from watching the conduct and frustrating the schemes of these men. If gentlemen on the other side were right in their opinions, that there was nothing in the principles of the French revolution dangerous and pernicious; that no conspiracies had existed in this country against the constitution and government; that Jacobin principles had never had any alarming progress in the country—then they were right in opposing this measure. But if the opinions, on which a large majority of the House had acted for the last eight years, were well founded, then this bill must be necessary for the continuance of the public security. It had been said, that this bill would put an end to all responsibility in the late ministers; but he contended that it would leave their responsibility, in the only constitutional sense of the word, as entire as ever. The House would still retain its power to call them to an account for their conduct. It only went to protect them from suits in courts of justice. The public good, and the security of the constitution and government, were the main objects of the bill.

Mr. *Johnstone* said, there never was a moment when Jacobinical principles were in greater discredit than at present. The rebellion in Ireland did not arise out of Jacobinical principles, but partly from religious views, and partly from oppression. There never was a period since the beginning of the French Revolution when there was less reason to adopt a measure like the present than now.

Mr. *Ogle* said, that nothing but ignorance of the real state of Ireland could make any gentleman assert that oppression, and not Jacobinical principles, was the cause of the rebellion in that country. It was very extraordinary that gentlemen were always bringing forward the subject of Ireland into their speeches. They might, indeed, have learnt that Ireland was called Erin, and that that word signified a green and grassy soil; but they were as ignorant of the internal policy of Ireland as they were of that of Kamschatska or Mesopotamia.

Mr. *Martin*, of Galway, adverted to the loud lamentations which he had heard over the dead corpse of the constitution, and remarked, that he had often observed that those who were loudest in their lamentations often felt the least, and even that sometimes they had proved accessory to the death. It had been said that the constitution had been violated, but, in his opinion, a part had only been sacrificed to save the whole.

The amendment was negatived, and the bill was read a third time.

Mr. *Johnstone* then moved the amendment, which he stated would have been proposed by his hon. relative, sir W. Pulteney, had he been present. It was to the following effect: that in that part of the bill which protected ministers from all personal actions, &c, instead of the words "discharged and made void," should be substituted the words, "stayed and suspended until the termination of the present war."

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Mr. *Sheridan* supported the amendment. He admitted the rebellions of 1715 and 1745 as stated. But what was the conduct of our ancestors upon those occasions? They brought in no bills of indemnity, they did not establish a system of spies and informers, whose names were never to be revealed; yet in those times the disaffected had their clubs, and their secret correspondence; and, considering the praiseworthy enthusiasm with which they were inspired, were ten thousand times more formidable than those of the present day. But it was said that the present was a new species of evil, and must be met with a corresponding remedy. What was that remedy? The old French monarchy. In increase of taxes, prostitution of honours, in a system of spies and corruption, we were following the same course. Under the old monarchy of France, men were arrested upon secret charges; we do the same. The innocent sufferers were left without redress; we adopt the example, and they are sent out bankrupts in fame and fortune into the world, without a chance of ever being permitted to prove their innocence. Mr. Sheridan then adverted to the various occasions on which he had told ministers that they would one day apply for a bill of indemnity, and their several denials of any such intention; and yet the whole of the late proceeding, in letting the Habeas Corpus Suspension expire, and reviving it so soon after, he contended, was regulated to give an opportunity for bringing forward the present measure. As to Ireland, Jacobinism had no more to do with its rebellion than a change in the Gentoo laws. It sprung from religious persecution, and the wounded and degraded spirit of the majority of its people. The conduct of its gentlemen afforded a scene of oppression unknown in this country, he admitted; but at the same time he referred to a passage of the report as a proof of their supineness. He had heard Maidstone always mentioned as an instance of his incredulity, and that of those with whom he generally acted, because they would not believe the reports of plots, and join in the harsh measures then proposed against them. But if the country, as stated, detested those Jacobinical principles, and abhorred those who were so incredulous as to the extent of the plots, surely its state was not such as to require such an arbitrary violation of the constitution as that now proposed. As to the evidence given by himself and his friends at Maidstone, he maintained that the testimony, attending to the circumstances in which it was given, exposed them to no fair charge either of disaffection or incredulity. That Mr. O'Connor was highly discontented with the system of government in Ireland, he was sufficiently aware; but if, at the same time, he entertained treasonable projects against this country, he knew him (Mr. S.) too well to make him the confidant of his guilt. In the present report, all the dangers stated in the two first reports were revived, and we were told of the existence of the most extended conspiracy. But he begged leave to ask, from whom such information was obtained, but from the evidence of spies, a set of men whose interest it was to keep alive the alarm? If he were asked when we had reason to hope this alarm would subside; he would answer, not till the band of secret accusers were annihilated, or banished from the confidence of administration. Till their efforts were destroyed and counteracted, we might look forward to an eternal suspension of the constitution, to a perpetual deprivation of our liberty. Before a bill like the present was passed, some check remained on these men, that a day of retribution might yet arrest them in their career. Some hope still remained to the unfortunate individuals who had been the object of unjust oppression, that they might be enabled to obtain redress on their persecutors. But let this bill once be passed, and constitutional opposition to what was conceived an invasion of the national liberties was at an end; the hope of the injured was annihilated, and encouragement was given to the endless increase of secret informers—a set of men abhorrent to the principle and the habits of a free state. Whatever crafty or fictitious panic might be now inspired, he made no doubt but the day would come, when those who supported the present measure, from the best of motives, would be convinced of their error, and learn that this country was not to be governed by a system of spies and informers. A learned gentleman had said on a former night, that, in preference to others, he would take Reynolds, the captain-general of informers, to his bosom; and surely there could be no fear for the safety of a man, whom, to do injury to his person, it would be necessary to drag from the fraternal embrace of the first authorities in the law.

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The *Attorney General* repelled the insinuation that the whole of the reports was a mere ludicrous affectation of seriousness, and felt a conviction, notwithstanding the verdicts of juries, that a foul treason had been hatched. The verdict of a jury might screen the party accused from punishment, but still he considered himself as free to judge of their guilt or innocence, after the verdict, as before. He venerated liberty as much as the most zealous patriot, but he was willing to make a temporary sacrifice of a part, to preserve the whole. If we compared the roll of imprisonments under Robespierre for one week, and these measures of ours, we should form the most striking contrast. He believed there was not one of the persons imprisoned but what was implicated in some treasonable plot, and that such detentions had been one means of preserving the empire during the most eventful period of our history. The petitions appeared to him to be pregnant with the same bitter falsehoods as had been lately witnessed in the attack upon Aris in the courts below. Gentlemen asked, where were the proofs of French principles existing in this country? His reply was, that they would be found in the conductors and the organization mentioned in the report; in the principles of atheism inculcated, and in the attempt to destroy our navy, by recommending to the men to turn upon their officers, and join the enemies of their country. If the hon. gentleman thought that oppression and religious intolerance caused the rebellion in Ireland, he would refer him to the confession of O'Connor, who would tell him that these were only made the stalking-horse, while the design was to make a common cause with France. As that hon. gentleman had thought proper to assume that he would acquit him, on the score of principle, in regard to the evidence given by him at Maidstone, he had no wish to disappoint his expectations, but much at the same time consider him as one of the most simple and credulous beings in existence. As to what was observed respecting Reynolds, the attorney-general confessed that he would take him to his bosom in preference to O'Connor. Reynolds was at all times, in point of rank and fortune, as respectable as the person to whom he was compared, and much superior to him in principle; for Reynolds was an enthusiast for the cause in which O'Connor was engaged, until his eyes were open to the consequences of its success, and then he determined no longer to persist in it. It was, however, to be remarked, that in no single instance was the testimony of any of those men called spies falsified. He totally objected to the amendment.

Dr. *Laurence* said, that this bill appeared to him to be against all precedent. Former bills were an amnesty to individuals, but contained no vindication of government for acting contrary to law. As he believed none of the persons had been arrested without good grounds of suspicion, the better way would be to allow them to bring their actions, and for ministers to put themselves on their defence, and for the country, by the verdict of a jury, to decide in their favour.

The question being put, "That the words proposed to be left out, stand part of the bill," the House divided:

Tellers.

Yeas	The Lord Hawkesbury Mr. Lee	92
Noes	Mr. Johnstone ..... Mr. Sheridan	17

So it was resolved in the affirmative. Then the question being put, That the bill do pass, the House divided:

Tellers.

Yeas	Mr. Solicitor General ... Mr. Bond	84
Noes	Mr. Whitbread..... Mr. Jekyll.....	15

So it was resolved in the affirmative: and that the title be, "An Act for indemnifying such persons, as since the 1st February, 1793, have acted in the apprehending, imprisoning, or detaining in custody, in Great Britain, of persons suspected of High Treason, or Treasonable Practices."

Debate in the Lords on the Habeas Corpus Suspension Indemnity Bill.] June 19. On the order of the day for the second reading of the bill,

Lord *Hobart* said, that this was a bill founded upon the recommendation of all the reports which had been made to both Houses of Parliament, ever since the year 1793. With a view to the present bill, every noble lord must agree that the reports contained sufficient grounds for such a law. If such a bill did not pass, and any action or actions should be brought against ministers for their conduct, it

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would be impossible for them to justify or defend the same, without an open disclosure of the means by which the said traitorous designs were discovered; and it was necessary that, for the further prevention of such practices, those means of information should remain secret and undisclosed. The conduct of his majesty's late ministers, in respect to the laying the hand of arrest on persons suspected of treasonable conspiracies, might with great truth be said to have saved the country; and as no corrupt or improperr motive could be imputed to them, the House was bound, upon every principle of justice and policy, to give them an indemnity, for having had the firmness to perform a most painful act of public duty, which had been productive of so much advantage to the empire. Their lordships need not be told, that several acts of indemnity had passed at different periods, particularly one in 1715, and another in 1746. If, therefore, it had been so highly proper to pass an act of indemnity for such actions as were not warranted by law, but which considerably tended to the suppression of rebellion, it surely would be admitted that those were equally well entitled, if not more so, to an act of indemnity, who had prevented rebellion in this country, and suppressed it in Ireland, by their vigilance, their activity, and their energy.

The Earl of *Suffolk* said, that so far was he from thinking that ministers deserved an indemnity, that he believed they had greatly abused the powers granted to them, and that many had been detained in prison for years, under circumstances of peculiar hardship and oppression, who had repeatedly desired be brought to their trial, but against whom no charge had been regularly made so as to put them upon their defence before a jury of the country. It was this sort of conduct that had been the primary cause of the subversion of the government in a neighbouring kingdom. With regard, however, to the lenity of the late ministers in exercising their powers put into their hands, let their lordships judge from two instances. The one, that of a noble lord tried for a few improper words inadvertently uttered in a court of justice. That noble lord had been sentenced to a twelvemonth's imprisonment in the Tower. Had any period of the time been remitted? No. The other instance was that of a noble duke, who at a public convivial meeting had let drop a few imprudent words, but which, when he became more cool, he was extremely sorry to have uttered, and it was well known that the noble duke, in the hours of social mirth was extremely affable, and perhaps unguarded in his expressions. For this mighty offence ministers removed the noble duke from the lord lieutenancy of a county, and deprived him of his command of a regiment of militia.

The Earl of *Carnarvon* said:—Parliament gave the powers to ministers with responsibility, and no reason is assigned why at this moment that responsibility should be removed. The alleged inconvenience to the public, which their necessary defence might occasion, by discovery of those incomprehensible mysteries which are locked up in the breasts of the secret committee, cannot in fair inference lead further than to a temporary suspension of such investigation into their conduct; but it can never be a motive for depriving the subject for ever of his redress for injuries received by the oppressive conduct of ministers, even beyond the period when the frivolous reason of premature discoveries by defence can have any weight. The extraordinary powers entrusted to government are new; but their responsibility for every power entrusted to their discretion is not: the attempt to graft an irresponsibility unknown to the constitution, on powers unknown to the constitution, is in itself in the highest degree suspicious; and this attempt, for a reason not justifying it, is still more so. Ministerial discretion must be in its nature responsible. The assumption of powers not lodged in their hands, and not entrusted to their discretion, if assumed openly, and exercised obviously for the public good, may require indemnity for the assumption. Opening or shutting the ports is of this nature; so, likewise, are acts done in times of open rebellion, or at moments when there is no time for deliberation, and the public good must be secured at all events; but in such cases all the circumstances must be open and notorious. In the present case, no possible inquiry can be made; no objections, and no investigations permitted; all is secret and mystery: in such case no reasonable indemnity can be given; indemnity cannot, in common sense, any more than condemnation, spring from ignorance. The indemnity after the rebellion in 1715 and 1745, was when the whole business

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was closed. There are no precedents that bear any analogy to the present case; but if there were, I should reject them as unworthy to be followed, as I would hereafter the precedents we have recently made. The indemnity sought by this bill is perfect official irresponsibility. The essential maxim, of the responsibility of ministers, is now for the first time infringed, and, with the destruction of the liberties of the subject, undermines the security of the throne. There is no maxim more valuable in the laws of England, than that which pronounces that the king can do no wrong; harsh as it may sound to ears jealous of freedom, it equally gives security to the throne, and peace and tranquillity to the people: there is no maxim which ought to be held more sacred; but it is rooted in, and grows out of, the severe and strict responsibility of ministers.

The *Lord Chancellor* said, that the measure was one of the greatest importance, he cordially agreed: it was one, also, of the necessity of which the House should entertain a firm conviction before it passed. It was one of his earliest maxims in politics, that political liberty could not be durable except the system of its administration permitted it to be occasionally parted with, in order to secure it for ever. When it was otherwise, liberty contained the seeds of its own destruction. It was their duty to defend the genuine liberty cherished by the British constitution, against the machinations of all those who conspired to destroy it. With respect to the consideration of necessity, he was aware that it was often the plea of tyrants; yet it was that consideration on which the most moderate men, when they took prudence for their guide, must sometimes act. In all periods of our history, their lordships would find that the benefits of the Habeas Corpus act were occasionally relinquished; but the suspension of the Habeas Corpus act did not take away the responsibility of ministers. It had been alleged, in another place, that he had said that ministers would never be in want of indemnity. He had made no such assertion. He would beg the House to recollect, that, when attorney-general, he was no minister; it was his province to give legal, not political advice. There were cases, however, in which, if a minister did not act, he would deserve to lose his head. Such, for instance, and he stated no hypothetical case, was the occasion of ambassadors passing from Ireland through England to France, and *vice versâ*, for purposes of a treasonable nature. In such a case, where the information was such as could not be doubted, if a minister refused to act, what would he not deserve? And yet such person could not be indemnified for his conduct, without such a bill as that before their lordships. Much had been said of spies and informers: generally speaking, they were the objects of much undeserved obloquy. He adverted to the circumstances of the trials at Maidstone, and the case of the traitor O'Connor, upon whom, at one time, some of his defenders most implicitly relied. His word was with them, when they considered his "open and ingenuous nature," a sufficient security for his attachment to the constitution. Yet, from his subsequent confession, what was he? He could assure their lordships, that traitorous conspiracies existed in the country. In order to counteract them, it was necessary to confide large powers to the executive government. In conclusion, if their lordships had not a mind to hurl their sovereign from his throne, or to turn themselves out of these doors, they would pass the bill before them.

The Earl of *Moira* said, that the learned lord had expatiated on the existence of a conspiracy in the country, and the necessity of resorting to extraordinary measures. But had there not been sedition and disaffection in former times of our history, and had not the common operation of law, with the other powers in the possession of government, been sufficient for their suppression? But farther, if the ordinary law was not necessary, had not the legislature a power to provide a specific punishment for the new case that existed? He was altogether at a loss to conceive that species of conspiracy for which human ingenuity could devise no adequate punishment. The system of employing spies and secret informers was peculiarly abhorrent to the habits of English liberty and law. If once this bill were passed into a law, every notion of justice would be unsettled, and the confidence of the people in the laws of the country would be destroyed.

The Earl of *Westmorland* insisted, that this bill was sanctioned by precedents, and called for on the principle of sound policy. It was a bill to which the spirit of Jacobinism, at the beginning of the

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war, had given occasion; and if it should be rejected, the worst consequences to the security of the country would follow. It would hold out no indemnity against acts of cruelty or oppression, but simply a security against vexatious suits. There had been a torrent of invective against spies and informers; but, had it not been for these, O'Coigley and O'Connor would have preserved their high reputation; Jackson would not have expired by poison in the dock at Dublin; Sheares would not have been brought to a scaffold; and many whom he now saw around him, would have paid the forfeit of their lives, which the schemes of the conspirators meant to inflict upon them.

The Duke of *Bedford* said, the simple question was, whether it was consistent with the principles of the constitution to grant an indemnity to ministers for their use of the special powers entrusted to them during eight years? They were, by the present bill, called upon, not to suspend a part of the constitution for a short period, but to deprive Englishmen of a great constitutional privilege for ever—to affix a perpetual stigma on the character of individuals who had never been brought to a fair trial of their guilt or innocence. Notwithstanding the objections he entertained to the bill, he had no particular wish to oppose it, in case the time of its duration were limited to some precise period.

Lord *Thurlow* declared himself a decided enemy to the bill. On the very first view of the subject, it struck him as contrary to the grand and fundamental principle of law—the principle of support to innocence against oppression. From the protection of innocence, the dignity, the energy, the importance of law was derived; and no bill could be founded on solid principles of which this was not the leading feature. The learned lord expressed his readiness to concur in passing severe laws against conspirators, but as a distinction ought to be made between guilt and innocence, so provision should be made to protect innocence from the risk of arbitrary imprisonment. If the criminal laws of this country were steadily administered, he thought they were sufficient to control all flagitious attempts against the state; nor could he see upon what ground of policy a man should be imprisoned for eight years, without being brought to trial. A noble earl had said, that persons suspected of treasonable practices did not deserve compassion; but it was impossible for him to withhold his compassion from persons lingering in prison for a series of years, who had again and again courted investigation of their conduct; nor could he resist the impulse to deem such men innocent until tried and convicted. With regard to the present bill's resemblance to former bills, he did not perceive the striking similarity, as the former bills were bills passed *flagrante bello*. The bill, instead of being a bill of indemnity, was a bill to suppress actions, suits, &c. Though disapproving of the bill on general principles, he was willing to agree to it for a limited period; but a perpetual bill of indemnity appeared to him monstrous in itself, and wholly subversive of the liberties of Englishmen.

The Earl of *Rosslyn* said, the bill was no new bill, in respect to the wording of it. Without such an act, a government, in a moment of great exigency, would be debarred from acting with vigour and effect. He had himself been a member of the last administration, and would not shrink from his responsibility; whatever guilt was imputable to them, was equally imputable to him. Far, however, was he from feeling any apprehension for having firmly done his duty on all occasions, and that the rest of his majesty's ministers had done their duty, he could testify. The right hon. gentleman at the head of the last administration might have said what Cicero said of his administration when it was put an end to—"Rempublicam et hanc urbem conservavi." In such perilous times as those in which we had lived, it was almost impossible for ministers to have avoided falling into some error inadvertently, by the causing persons to be apprehended on suspicion and detained for some time, who were erroneously suspected of improper conduct. Ministers, however, did not claim an indemnity for themselves, it was not possible for them to be reached by any action; but an indemnity was necessary to save harmless other persons, who had necessarily assisted in the apprehending, examining, committing to prison, and detaining in custody the persons apprehended, &c. The employment of spies and informers had been absolutely necessary, and government at all times, but most especially in these times, could not secure protection to the subject without their occasional assistance.

On the question, that the bill be read a second time, the House divided; Con-

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tents, 40, Proxies, 14—54. Not Contents 10, Proxies, 7—17. Majority, 37.

Debate in the Lords on the Bill to prevent Persons in Holy Orders from Sitting in the House of Commons.] June 15. The order of the day for the second reading of this bill being read,

Lord *Thurlow* expressed his astonishment that the House of Commons, who indisputably were the only judges of the question, of who ought to sit in that House, should on this occasion voluntarily consent to forego the exercise of functions peculiarly their own, and send up a bill to their lordships upon the subject of the eligibility to a seat in their House, calling thereby upon another branch of the legislature to decide upon their rights and privileges. His lordship said, he had heard certain rumours as to the authors of the bill, which he could not credit. At the head of the government was at present placed a gentleman of great respectability, of known integrity and purity of manners, and of tried wisdom in a situation of great dignity and arduous duty, which he had discharged with infinite credit to himself and great advantage to the public; he would not therefore believe that such a character would be so prodigal of his reputation, as to have been the author of this very extraordinary bill. The House of Commons had, many years since, instituted a committee of their own members, for the trial of a right to a seat among them in all cases of disputed elections; so jealous were they at that time of their rights and privileges, and so determined not to suffer them to go out of their own hands. That committee, so constituted, had, in repeated instances, decided upon such cases. He could not, therefore, but regard the bill as a very singular application to their lordships. With regard to the bill itself, it was twofold in its character—it was at once declaratory and enacting; but he should speak chiefly to the declaratory part. It was, he thought, a strange thing for the House of Commons to have associated with a person who had presumed to intrude himself among them, though, as it was said, he was not duly qualified to hold his seat; and, on the spur of such a circumstance, to forbear having recourse to their own tribunal, a committee of election, and coming forward with a bill declaring that all persons of that description were, by the common law, ineligible to a seat in their House. His lordship observed, if it were the law that the character of a clergyman was indelible, it was a little hard, because a person had been in orders thirty years ago, but had ever since left off discharging the functions and enjoying the privileges peculiar to priests or persons in orders, to tell him that he should belong to no other profession, but should still remain a clergyman; although he might, from conscientious motives, have felt it repugnant to his feelings to continue a clergyman any longer. That several persons who had been ordained clergymen in their early days, and were in possession of lucrative benefices, had nevertheless, at a subsequent period, conscientiously laid down those benefices and quitted the profession, was a fact, that must have come within the knowledge of most of their lordships. With respect to the clergy having been admitted to hold seats in the House of Commons, the report on their lordships table afforded but very imperfect information indeed. His lordship commented upon some parts of the report, and among other observations said, that it put very silly language into the mouth of sir Edward Coke, which it was impossible to believe that great lawyer to have held. What was said about a knight banneret not being able to serve in respect of the honour he hath at funerals, &c. was also absurd and ridiculous. His lordship adverted to the origin of parliaments, and of the qualifications to seats in both Houses, from the Roman Catholic times to the Reformation, thence to the Restoration, and downwards to the present day; and stated the cases of the abbots of Evesham and of Leicester, and others, who sat by the king's authority, and by no other title. He mentioned the tenure of the bishops at this time, and said, if the bill went to disfranchise the lower orders of the clergy, it might go the length of striking at the right of the reverend bench opposite to seats in that House; though he knew it had been held, that the reverend prelates sat in the right of their baronies, as temporal peers. He mentioned also the cases of Dr. Nowell and Dr. Craddock, and the more recent case of Mr. Rushworth, in favour of whose eligibility the committee of elections had decided. He noticed the extreme care which the Commons had formerly taken to exclude all improper persons from sitting among them. At different times that jealousy

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had been extended to different descriptions of persons; to all attendants on their lordships, such as masters in chancery, &c.; but of late they had even thought it not improper to suffer one of the clerks of that House to be a member of their body. With respect to the enacting part of the bill, he should not attempt to go into it at present, as what was meant by it, or what the framers of the bill aimed at, was beyond his comprehension. His lordship concluded with expressing the great value of the franchise of choosing and of being chosen a representative in parliament; a franchise which, under the theory of the constitution, was the birthright of every Englishman, though its enjoyment did not extend to all under its practice. He should therefore vote against the bill, as a bill of disfranchisement.

The *Lord Chancellor* agreed with the learned lord, that the bill was declaratory as to the law. He also agreed with him as to the absolute necessity of some regulation upon the subject. He should, were he a member of the House of Commons, certainly, in the first instance, have proposed a resolution and not an act; but the former, when acceded to, he should have held it his duty to follow up with a bill. He also agreed with his learned friend, that the bill imposed a necessity upon their lordships, of deciding so far as to the privileges of the other House of Parliament. With respect to the objections to the declaratory clause, he argued for the necessity of its insertion, on the part of the Commons; and instanced, as a case bearing out that part of his argument, the Middlesex election, where resolution was opposed to election, and, *vice versa*, election to resolution, in a way which at least did no credit to the policy of that part of the conduct of that House. What he conceived to be the object was, to say that by the law of England, as it now stands, a person taking holy orders was, because he had taken them, incapable of being elected into the Commons House of Parliament. With respect to the idea of its extending to deprivation of franchise, such an idea was evidently unfounded, as it was impossible to take away from an individual that which he had not. He strenuously insisted, that it would neither serve the interests of religion, or of the state, to change the present system in that respect. The material part for the consideration of the House in the present instance was, whether persons in holy orders were capable or not of being elected to the House of Commons; and in this view he was led to consider the indelibility of the clerical character. With respect to this very important consideration, every principle in the Christian church, reformed, or as it stood before that period—every decree and canon—every writer, historian, &c. all agreed in establishing the proposition, that a person in holy orders is indelible. That the canon law, which inculcated expressly this doctrine, was part of the common law of England, was a principle adopted by lords Hale, Holt, Hardwicke, and even by an authority which he respected as much as any of those, that of lord Thurlow himself, By the canon of 1603, it was expressly decreed, that no man, being admitted into holy orders, could voluntarily relinquish the same, upon pain of excommunication; but the operation of this did not go to affect the character of a priest or a deacon. In support of those positions, and further to establish the absolute indelibility of the clerical character, his lordship read a variety of quotations from different ecclesiastical authorities, particularly from decrees of the council of Trent; which went to prove, that this indelibility could not be abrogated by the volition of the individual himself. In the Christian church, before the reformation, holy orders, as well as matrimony, was held a sacrament. In illustration of this position, his lordship stated the various clerical attributes which attached to the individual, even after he had ostensibly relinquished his sacred function, particularly the enjoyment of benefices. In these respects the canon is followed up by the law of the land; neither suspension nor desposition could destroy the clerical character: in some points of view the degradation had that effect. The process of degradation he explained, and its particular application in order to legalize the execution of a man; but even with respect to this, an instance obtained of a man, who, on being pardoned, resumed his clerical character. With respect to what ought to be the law, he differed from his noble friend fundamentally. It was not one of the best symptoms of the times, that some were anxious to bring forward a proposition, that men were at liberty to renounce the clerical character. That the contrary doctrine might press hard upon individuals, he well knew; but that should be a consideration

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with them before they entered into the holy state. The great question was, whether the interest of the public, upon the whole, was likely to be prevented by a constraint upon men who had voluntarily consecrated themselves to the service of God, to continue in that state, or by leaving them at full liberty to forsake it. Such objections would just as forcibly apply to the law of marriage: the difference of tempers in the individuals linked together, and their respective inclinations might contribute to render that a state of unhappiness; still it was the law of the land, and so was it with respect to the clerical character. With regard to the eligibility of clergymen to sit in the Commons House, he thought a positive law on the subject preferable to a vote of either House. With respect to the election of Rushworth, it was no disparagement to any body of men, to act differently upon better information and farther consideration of the subject. Respecting the case of Haksey, it was by no means clear that he was a member; and with regard to Rushworth, he did not take his seat as a clergyman. He quoted the observations of Blackstone upon the celebrated case of the Middlesex election, as directly applying to the point—particularly his idea of a clergyman, who might be the Sacheverel of the day, starting against colonel Luttrell, and taking his seat; would not the House instantly decide against the former? Yet it was contended by the same authority, that Wilkes, under the circumtsances of his case, was then as ineligible as a clergyman would be; and the writer of Junius's letters, commenting upon the argument of Blackstone, denied the similitude between Wilkes and a clergyman; observing, however, that the ineligibility of the latter was established for a period of more than two hundred years. Drawing towards a conclusion, his lordship observed, that the Providence of God had placed men in different states and situations of life. He was favourable to political equality, as far as the same was consistent with the interests of order, and the well being of society; and he trusted that that House would, either in its legislative or judicial capacity, be governed by that general principle, and particularly with respect to the bill then before them: for which he solemnly declared, he should not be the advocate, but that it asserted the law of the land, and went to disfranchise no man.

The Earl of *Moira* said, that, in his mind a mere doubt being entertained as to the existing law of the land on this subject, was no sufficient reason for a legislative enactment which would go to deprive a large and respectable body in the community of their rights. Admitting the indelibility of the clerical character, still the learned lord ought to have made good his argument, by proving from this the incapacity of clergymen to exercise the functions of members of the House of Commons. The same argument would hold equally good against the rights of the bishops to seats in that House. He thought every good purpose would be answered, if it was provided, that no person holding a benefice should be admitted to a seat in the House of Commons, and, that no clergyman returned to that House should be capable of accepting any benefice. As the bill was now brought forward, he considered it as a disfranchisement of the worst kind.

The Bishop of *Rochester* declared, that it was with no less surprise than sorrow that he had heard what had fallen that night from a learned lord, and that he had grounded his argument upon the idea of the delibility of the clerical character. The Protestant church did not assert that ordination was a sacrament, but it was sufficient for him to say, that holy orders were of divine institution, and that on this account the clerical character was indelible. The law of the land considered the clerical character to be indelible; and although a clergyman might have neglected the duties of his profession for thirty years, and have afterwards committed certain crimes, he would be no less amenable to the ecclesiastical courts. The learned prelate then explained the meaning of the canon which prohibits clergymen from voluntarily relinquishing their calling, and employing themselves as laymen. He acknowledged, that neither of these would necessarily follow, if they were to have seats in the House of Commons. He could by no means subscribe to that despicable puritanical maxim, that a clergyman ought never to exercise himself but in the immediate duties of his calling. Most of our eminent divines had connected other branches of science with theology, and had signalised their names as chronologists, mathematicians, geometricians, historians, and philosophers. Such were Usher, Pearson, Barrow, Wallis, &c. These great divines were well

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acquainted with the practical business of the world; nor did he think that the business of the House of Commons was totally unconnected with the study of divinity; for it was intermixed with the great principles of political justice and morality, and the laws of nature and nations. But, although he did not think that seats in the House of Commons were foreign to, or incompatible with the character of clergymen, any more than the office of justice of the peace, still he felt strong objections to their entertaining such views; and that chiefly arising from the means by which they would be obliged to seek admittance into the lower house, such as opening houses of entertainment, displaying flags, and truckling to every sectarian voter.

The Earl of *Westmorland* said, that in his view of the subject, the clergy and laity were two distinct bodies; and as such they had been considered in the early periods of our history; for when the former sat in parliament, it was expressly as the representatives of the clergy. He considered the subject on the grounds of immemorial usage, of inexpediency, and of the effects that it would produce on the minds of the clergy themselves, as well as in the House of Commons, by increasing the influence of the crown; and from these he expressed his approbation of the bill.

Lord *Holland* said, that, on the doctrine of the indelibility of the clerical character, he was unwilling to enter; but he could not refrain from animadverting on the different conclusions drawn from this grand position on which the bill was founded. The learned lord, after endeavouring to establish the position, inferred, as a necessary consequence, that clergymen were disqualified from a seat in the other House; and had insisted much on the incompatibility of the duties of a minister of religion with those attached to a legislator. The reverend prelate had been no less zealous in supporting the primary position; but his conclusion had been the most opposite in the world. While he contended strenuously in behalf of the indelibility of the clerical character, he had, with an equal degree of warmth, maintained that there was no duty incumbent on a member of the other House which was in the slightest degree incompatible with the due exercise of the sacred office. How much weight was due to an argument, from which conclusions so hostile could be drawn, he left their lordships to determine. The inconsistency struck his own mind forcibly, and he was unable to reconcile it with the idea that the argument was at all solid or conclusive.—Passing from this topic, his lordship directed his attention to the argument against the eligibility of the clergy, from the immemorial usage of parliament. On what principle this immemorial usage was supposed to be founded, he was at a loss to discover. Was it founded on the usage of parliament since 1663, when the celebrated case of Craddock was decided? If this was meant to be asserted, he begged leave to dissent from the doctrine, and to affirm that no such usage had prevailed. As to the case of Craddock, he contended that, on a fair examination of the circumstances of the decision, it would appear that the exclusion was founded on the act of 1641, which had been framed for the purpose of abridging the privileges, not merely of the inferior clergy, but of the reverend bench, whose title to a seat in that House was recognized in the fullest terms, and formed an essential part of the constitution. After this act was rescinded, however, the reason of the former exclusion ceased, and the clergy returned to the free enjoyment of all constitutional privileges. Since that period, several clergymen had sat in the House of Commons, and their right had been unchallenged. In the case of Rushworth a committee of the House, had declared the election valid. No distinction could be taken between the case alluded to, and that of an individual regularly inducted into holy orders; since there was no distinction in law or practice between the case of a deacon and a priest. Under these circumstances, his lordship denied the existence of any immemorial usage for the exclusion of clergymen; and, believing that they had a constitutional right to a seat, he could not consent to take away a great and valuable franchise. The expediency of excluding the clergy formed a subject of his lordship's consideration, and on this ground he was as little disposed as on any other to accede to the bill. He could not see that effects so dangerous as had been described would be the result of their having seats in the other House. Admitting, however, that it would be a mean of increasing the influence of the crown, the amendment suggested by his noble friend would do away every objection drawn from that source? If it were de-

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clared, that no person having enjoyed a seat in the other House should be capable of holding any living in the church, the grand objection to the eligibility of the clergy would be removed.

The Earl of *Rosslyn* traced the usage of parliament from a very early period of our history, down through a variety of successive reigns to the present period. At no time had the right of the clergy to a seat in the other House been recognized, but their ineligibility had formed a uniform part of the common law of the land. He urged the necessity of the bill, and the inexpediency of allowing the clergy to sit in the House of Commons.

The bill was then read a second time.

Debate in the Commons on the Clergy Non-Residence Bill.] June 9. Mr. *Dickinson* jun. moved, that the act of the 21st of Henry 8th, intituled "Spiritual Persons abridged from having Pluralities of Livings, and from taking of Farms, &c." might be read; which being done, he moved, "This House will, immediately, resolve itself into a committee of the whole House, to consider of so much of the said Act as relates to the residence of the Clergy on their respective Livings, and to their taking of Farms."

Mr. *Gregor* contended, that, by the late prosecutions under this act for non-residence, the greatest hardships had been incurred, and that the act had been enforced solely for the purposes of extortion. The defects of the act extended much farther than to the subject of non-residence. According to its provisions, no clergyman could buy or sell cattle for the purposes of profit. This was in fact, prohibiting the clergy from farming their own glebes, or endeavouring to make up the deficiency of their frequently very scanty incomes, by taking small farms. Some alterations should be made in the law as it now stood.

Sir *R. Buxton* said, that particular hardships could not form a sufficient ground for an alteration of the law. He thought it inconsistent with the clerical character, that the clergy should be dealers for their own profit in corn or cattle. A clergyman's name had lately appeared in the list of bankrupts.

Sir *W. Scott* thought, that every thing which could tend to enforce the residence of the clergy ought to meet with the countenance of the House; but he knew well that great individual hardships had been sustained from the present law upon that subject, and that that law had been made the ground of the grossest extortion and injustice. He therefore, though he wished to enforce residence as much as possible, could not help thinking that some regulations ought to be made, which would put an end to the evil complained of, if they could be adopted without limiting the restraints upon non-residence. He thought no evil consequence would result from allowing the clergy to farm their glebes, and to turn them to the best account they could. The clamour against non-residence had been very great; but he was convinced that it was not authorized to the extent to which it had been carried.

The House having resolved itself into the committee, Mr. Dickenson moved, "That the chairman be directed to move the House for leave to bring in a bill to protect, and relieve, under certain provisions and regulations, spiritual persons from vexatious prosecutions by common informers under the statute of king Henry 8th, in consequence of their non-residence on their benefices, or their taking of farms."

Mr. Chancellor *Addington* agreed, that this act had been applied of late for the purposes of extortion and persecution; but yet the law appeared to him good in its principle, as tending to promote the residence of the clergy. That the clergy should be obliged to confine themselves as much as possible to the exercise of their sacred functions, could not be doubted. But, considering that the incomes of many of them were inadequate to the support of their families, he could see no impropriety in their being allowed to increase those incomes by farming small farms, either in place of, or along with, the glebes allowed them by the legislature. Though he approved of this measure, he hoped it would be only temporary, and that a more general system of regulation would speedily be brought before the legislature.

Mr. *Whitbread* said, there could be no doubt that the residence of the clergy should be enforced as generally as possible; but it was at the same time, desirable to protect them from vexatious prosecutions. He agreed that it might be proper, as soon as possible, to direct the attention of the legislature to the revenues of the church, the mode of their collection, and their distribution. He also agreed as to the necessity of doing some-

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thing to remedy the evils arising from the smallness of many of the livings in the church, as no doubt this formed the great source of pluralities and non-residence; but he should, indeed, be sorry if recourse should be had to the public purse to remedy this evil, convinced as he was that the revenues of the church, if properly distributed, were perfectly adequate to the sufficient payment of all its officers.

Sir *John Parnell* contended that, as the principle of the existing law was good, it ought not to be annulled, because particular hardships might result from it.

Dr. *Laurence* approved of the proposed measure, but expressed his disapprobation of the speculative plan of a future general alteration of the law.

The *Speaker* said, the law was framed in very different circumstances from those which now existed, and for very different purposes from those to which it was now made subservient. A revision of it, therefore, was expedient. He, therefore, approved of the motion. As to allowing the clergy to hold farms to a certain extent, he conceived it to be proper; but to be very dangerous, if carried beyond that extent.

The motion was agreed to. The bill was brought in on the 12th, and read a second time on the 15th.

June 19. On the order of the day for going into a committee on the bill,

Mr. *Ellison* opposed it, and read a quotation from Joseph Andrews, relative to the various avocations pursued by parson Trulliber, for the purpose of ridiculing the bill; which, he contended, went to make parson Trullibers of all the clergy. He could not consent to allow the clergy to become jobbers and farmers, nor could he consent to dispense with their residence. He was not so hostile towards common informers as some gentlemen appeared to be; for he conceived them to be not only necessary, but frequently the benefactors of the public.

Mr. *Gregor* thought the bill should go to a committee, that the grievances complained of by the clergy might be fairly examined. The means at present in the hands of informers to harass the clergy, tended very much to degrade that respectable body.

Mr. *I. H. Browne* considered common informers as pests of society. Clergymen who were regular in the discharge of their duty, might at present be subject to penalties under the statute of Henry 8th merely because they did not exactly reside within the limits of their parish; while others, neglecting their duty, but sleeping one night in every month within their parish, might escape.

Mr. *Sheridan* said, that the bill appeared to him to embrace two distinct objects. As far as the question of residence was concerned, in his opinion, the most beneficial effects would accrue from the parochial habitation of the clergy. The state had a right to expect every assistance from an establishment, instituted, paid, and protected by the constitution. If the penalties enacted for non-residence were rigorously enforced, the infallible consequence would be, that the clergy would reside in their respective parishes, and the public would reap the most essential benefit with respect to moral improvement. The second object of the bill involved the question of farming. By the statute of Henry 8th a clergyman was liable to the same penalties for engaging in agricultural pursuits as attached to him for non-residence. Was this founded upon wise or equitable principles? As the law at present stood, a clergyman was authorised to cultivate his glebe, and to dispose of the surplus produce. Gentlemen must be aware that this was a very vague and undefined privilege. The quantum of disposable produce depended on fortuitous circumstances. Not only the extent of the glebe, but the number of the clergyman's family, came into the consideration. A clergyman with a large family, and an ordinary portion of glebe, might have very little surplus produce to dispose of. But how stood the case supposing him to have no children, or to be unmarried? Was it not his right and most undoubted privilege to turn his glebe to its full advantage? Could he do this, without possessing agricultural knowledge? In the case of inclosure bills, there was always a certain proportion of land allotted to the clergyman. Was the clergyman not to make use of his share? Was he to suffer the land to lie waste? Was he to neglect at once his own right, and the national benefit? Yet, as the law at present stood, he was liable to penalties if he disposed of the produce. Were acts of parliament to be rendered nugatory, by humouring a bigoted prejudice, that the sacerdotal character could be degraded by acts of practical good? Whether was it better for a clergyman to exert himself in benefiting

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his country by practical effort and well-directed skill, or to consult merely his own gratification, in riding, fox-hunting, &c.? In Scotland, the clergy were to a man farmers. As reference had been made to an individual case, and that case hypothetical and supposititious, he should take the liberty of contrasting it with one drawn from actual life. Let the House picture to itself the case of a clergyman coming into a wild and uncultivated district, and presenting nothing but cause for discontent and alarm—a church in decay—the inhabitants rude and uncultivated—the soil itself ambiguous—and, from local circumstances, calculated solely for the rendezvous of smugglers and plunderers. The roads, if roads they could be called, impassable. This one individual man, this clergyman, gifted with superior powers of mind, with the best energies of human agency, reverses the whole face and complexion of things. Blending instruction with example, he civilizes the inhabitants, forms their minds to virtuous pursuits, erects a parsonage house, restores a dilapidated church, reclaims the soil, and forces ocean to restitution; plans and perfects roads, and carries into execution measures for public security; and transforms the whole character and situation of the place to which he is appointed. The services of this man are so important, that the lord lieutenant of the county feels it his duty publicly and officially to thank him: the magistrates echo back the vote of praise; the judges, in their official capacity, bear evidence to his worth and merit; the board of agriculture feel themselves called upon to pay him homage; in short, every constituted authority awards him the tribute of gratitude and applause. Is not the case of a man like this more than a set off against the fictitious character of parson Trulliber? But he was not now contrasting one ideal character with another. No! his description was given, not from the pages of a novel, but from historical fact. He was speaking of a man known to the world, and esteemed by all the good and the intelligent; a man universally recognized as a public benefactor, and whose loss could not but be regarded as a national misfortune. The unrooting such a man from the place which he had cultivated, adorned, and almost created, must be a subject of general regret. He was persuaded that the House must at once perceive to whom he alluded. It was invidious to mention names; neither, indeed, was there occasion to name a man so well known and recognized by public suffrage. Yet, however unnecessary it might be, *per se*, to point out the individual—a man whose merits were their own herald, and needed not panegyric—it might be proper, in the present instance, to oppose name to name, and, as a fictitious clerical character had been introduced, he would meet and contrast it with a reality, by exhibiting Dudley *versus* Trulliber.

Mr. *Windham* considered this as a bill of suspension, not as a final measure. He approved of it, because it might happen that an existing law might be suddenly used in a very different manner from its original spirit, and then it certainly was right for the legislature to interfere and bring back the law to the original intention of the legislature. He should be sorry to put the laws respecting residence permanently upon the footing which this bill would do, because, though he had the highest veneration for the bishops, those licences might in time be granted as a matter of courtesy, and their writing to grand juries upon a subject in which the grand juries had no right to interpose, deserved public reprehension. The hon. gentleman had introduced a case which he had put in opposition to the imaginary case of parson Trulliber; but how this case was applicable, he was at a loss to discover. The hon. gentleman seemed to understand the art of puffing, and particularly that part of it which was called the puff oblique. It put him in mind of the story of the celebrated George Bon Mot, which began with an anecdote and ended with an advertisement. With respect to the case which the hon. gentleman had thus introduced, he was not quite sure that all opinions in the county of Essex were so much of one side as the hon. gentleman seemed to suppose. Without, however, entering upon that subject, he should support this bill, considering it as a temporary measure.

Mr. *Jones* thought, that clergymen should be compelled to reside in their parishes; and that this measure, if necessary, ought to have originated with the bishops. It would be better to buy up all tithes, which would cost only fifty millions, than agree to such a measure as this.

Mr. *Simeon* thought, that as laws were made for the purpose of being obeyed, and as without informers they could not be enforced, we must tolerate them, and

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should not apply to the legislature to alter the law, because some hard cases existed. The statute of Henry 8th was mildness itself, in comparison with other provisions which were made against the non-residence of the clergy. He disapproved of granting a dispensing power to the bishops, not because he thought they would abuse their power, but because they might be imposed on.

The House then went into the committee. The bill passed the Commons on the 24th.

Mr. Tierney's Finance Resolutions.] June 17. Mr. Tierney rose to move his annual Resolutions respecting the State of the Finances of the country. It was, he said, his wish, that they should be laid on the table, printed, and be discussed on a future day. The Resolutions were accordingly laid on the table, and are as follow:—

FINANCE RESOLUTIONS.

1. That the amount of the public funded debt, on the 1st of February 1793, was 238,231,248*l.*, exclusive of long and short annuities for lives, to the amount of 1,373,550*l.*; of which sums, stock to the amount of 10,242,100*l.* had been purchased by the commissioners for redeeming the national debt, and annuities to the amount of 79,880*l.* had fallen in, and been carried to their account, reducing the actual amount of the debt, on the 1st Feb. 1793, to 227,989,148*l.* and the annuities to 1,293,670*l.*: and that, on the 1st Feb. 1801, stock to the amount of 36,099,562*l.* had been purchased by the commissioners, and stock to the amount of 16,083,802*l.* had been transferred to them, on account of land-tax redeemed; and annuities to the amount of 123,477*l.* had fallen in; reducing, on the 1st Feb. 1801, the actual amount of debt existing before the war, to 186,047,884*l.* and the annuities to 1,250,073*l.*

2. That the total amount of stock created since the 1st Feb. 1793 (including the amount created by sums borrowed in the present session of parliament, and after deducting 16,182,094*l.* purchased by the commissioners for redeeming the national debt) on the 1st Feb. 1801, is 298,317,580*l.*; of which sum the interest on 7,502,633*l.* is payable by the emperor of Germany; and the interest on 19,708,750*l.* is payable by Ireland: and that annuities have been granted, since the 1st Feb. 1793, to the amount of 542,664*l.*; of which 9,791*l.* is payable by Ireland, and 230,000*l.* by the emperor of Germany.

3. That the total amount of the public funded debt (including the amount created by the sums borrowed in the present session, and after deducting 52,281,656*l.* purchased by the commissioners, and 16,083,802*l.* transferred to them on account of land-tax redeemed) was, on the 1st Feb. 1801, 484,365,464*l.*; of which sum 27,211,383*l.* is on account of Ireland, and the emperor of Germany; leaving a funded debt charged on Great Britain of 457,154,081*l.* including 56,445,000*l.* the interest of which is to be defrayed, and the capital redeemed by the tax on income: and that the amount of annuities charged on Great Britain (after deducting what have fallen in) was, on the 1st Feb. 1801, in short annuities and for lives, about 540,000*l.*, and in long annuities 1,007,000*l.*

4. That, under the heads of treasury, army, ordnance, barracks, advances from civil list, and re-payments to be made for services not voted, but paid out of grants for 1800 (after deducting the surplus of ways and means of that year), outstanding demands, as far as the same can be made up, remained to be provided for on the 5th Jan. 1801, to the amount of 1,482,649*l.* That exclusive of anticipations of the receipt of certain taxes and payments on loans to the amount of 8,489,800*l.* the unfunded debt in exchequer bills unprovided for, or provided for out of funds which have proved insufficient, was, on the 5th Jan. 1801, 17,590,300*l.* That the debt of the navy remaining to be provided for, was, on the 5th Jan. 1801, 8,705,886*l.* And that the total amount of demands oustanding, navy debt, and exchequer bills unprovided for, or provided for out of funds which have proved insufficient, was, on the 5th Jan. 1801, 27,778,835*l.*; of which sum 6,832,649*l.* has been since made good out of the supplies of the present session, leaving an unfunded debt, hereafter to be provided for, of 20,946,186*l.* and exceeding by 12,020,000*l.* the amount outstanding in 1793.

5. That the sum applicable to the reduction of the national debt was, on the 1st Feb. 1793, 1,427,143*l.*; and on the 1st Feb, 1801, 4,989,818*l.*

6. That the annual charge incurred by the permanent debt, on the 5th Jan. 1793, was 10,325,866*l.*; including 1,000,000*l.* applicable to the reduction of the debt. That the annual charge incurred by the permanent debt created since the 5th Jan. 1793 (exclusive of interest payable by Ireland, and including the charge incurred by the loan of the present session) is 10,395,246*l.*; of which sum 2,335,624*l.* is applicable to the reduction of debt; and that a farther charge of 497,735*l.* per annum is guarantied by parliament, in default of payment of the interest of certain loans by his majesty the emperor of Germany.

7. That the nett produce of the permanent taxes existing previous to the war, was, on the 5th Jan. 1793, 14,284,000*l.* and on the 5th Jan. 1801, 14,194,539*l.* That the nett produce of the permanent taxes imposed since the 5th Jan. 1793, was, on the 5th Jan. 1801, 8,079,076*l.* And that the total amount of the

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permanent taxes was, on the 5th Jan. 1801, 22,273,615*l.*

8. That the total official value of all imports into Great Britain, in the year ending the 5th Jan. 1793, was, 19,659,358*l.*; and, on an average of six years ending the 5th Jan. 1793, was 18,685,390*l.* That the total official value of all imports in the year ending the 5th Jan. 1801 (supposing the imports from the East Indies, of which no account has been made up, to be the same as in the preceding year), was 29,925,858*l.*; and on an average of six years, ending the 5th Jan. 1801, was 25,259,890*l.* That the total official value of British produce and manufactures exported in the year ending the 5th Jan. 1793, was 18,336,851*l.*; and, on an average of six years ending the 5th Jan. 1793, was 14,771,049*l.* That the total official value of British produce and manufactures exported in the year ending the 5th Jan. 1801, was 24,411,067*l.*; and, on an average of six years ending the 5th Jan. 1801, was 20,085,198*l.* That the total official value of foreign merchandize exported from Great Britain, in the year ending the 5th Jan. 1793, was 6,568,346*l*; and, on an average of six years ending the 5th Jan. 1793, was 5,469,014*l.* That the total official value of foreign merchandize exported in the year ending the 5th Jan. 1801, was 17,166,145*l.*; and, on an average of six years ending the 5th Jan. 1801, was 12,868,043*l.*

9. That the total sum to be raised in Great Britain in the year 1801, may be estimated as follows, viz.

Interest of the public funded debt, charges of management and sinking fund, on 5th Jan. 1801, after deducting interest payable by Ireland ..... £.	20,144,586
Interest, &c. to be incurred and paid between the 5th Jan. 1801, and the 5th Jan. 1802, on stock created by loans of the present session to the amount of 44,816,000*l.*	1,812,816
Interest on exchequer bills, estimated to be the same as paid in the year ending 5th Jan. 1801	766,480
Proportion to be defrayed by Great Britain, according to the articles of union, of the civil list, and other charges on the consolidated funds of Great Britain and Ireland, amounting together to 1,560,000*l.*	1,376,470
Civil government of Scotland, pensions on revenue, militia and deserters warrants, bounties for promoting fisheries, &c. &c. estimated to be the same as in the year ending 5th Jan. 1801	635,549
Charges of management of revenue, estimated to be the same as in the year ending 5th Jan. 1801	1,699,225
Charges of collecting income tax, as per estimate	152,620
Proportion to be defrayed by Great Britain, according to the articles of union, of the supplies voted for 1801, for Great Britain and Ireland, amounting in the whole to 43,686,715*l.*	39,338,489
Advance to Ireland	2,500,000
Interest payable for loans of emperor of Germany	497,735
Making in the whole the sum of £.	68,923,970

10. That it appears by the report of a Committee of this House in 1791, that the actual expenditure of the peace establishment (including the annual million for the sinking fund) was, on an average of five years, ending 5th January 1791 16,816,985

That the additional charge incurred by debt created since 1793, exclusive of interest payable by Ireland, is	10,395,246
That the additional charge to be incurred for increased amount of exchequer bills outstanding, is, at 4*l.* per cent	160,000
That the additional charge to be incurred for interest, and 1*l.* per cent sinking fund, on 3,000,000*l.* due to the Bank, to be funded at 80, is	150,000
That the additional charge to be incurred for interest of navy debt, at 5*l.* per cent is about ..	285,000
That the additional charge incurred on the consolidated fund is	370,000
That the additional charge incurred for a sum annually voted for the redemption of the public debt, is	200,000
That the additional charge for 18,000 seamen, the number employed in the last peace, from augmentation of pay, addition to their provisions, and increased price of naval stores, cannot be estimated at less than	351,000
That the additional pay to the army on the same number as in the last peace, deducting stoppages, cannot be estimated at less than	170,000
That the increased charge of half-pay, and Chelsea, cannot be estimated at less than	130,000
That the increased charges of the ordnance, calculated on the same numbers as in the last peace, cannot be estimated at less than	49,500

And that the peace establishment of Great Britain (exclusive of any charges to be incurred by

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interest on sums to be paid on winding up the expenses of the war, exclusive of any augmentation in the naval or military establishments beyond the last peace, and exclusive of 497,000*l.* interest due by the emperor of Germany, and guaranteed by parliament) cannot be estimated at less than.....	29,077,731

11. That the nett produce of the tax on income, for the year ending the 5th April 1801 (exclusive of voluntary contributions) did not exceed the sum of 5,590,530*l.*

12. That the amount of three per cent stock (of which the interest is to be defrayed, and the principal to be redeemed by the tax on income, is 56,445,000*l.*

13. That, supposing the war to end with the present year, the nett annual produce of the tax on income to be 5,600,000*l.* and the three per cents to be, on an average, at 80, the sum of 56,445,000*l.*, together with the interest thereon, would not be redeemed until the end of the year 1811: and that the probable annual expenditure, during the first ten years of peace (exclusive of any charges to be incurred for sums to be paid on winding up the expenses of the war, or any increase in the naval or military establishments beyond the last peace) cannot be estimated at less than 34,500,000*l.*

The first resolution being read, Mr. Chancellor Addington moved that the debate be adjourned till Monday; and said, that on that day he should probably lay before the House his view of the debts, revenue, and expenditure of the country.

June 22. Mr. Chancellor Addington's Counter Resolutions were laid on the table, and the debate was farther adjourned to the 29th.

June 29. The adjourned debate on Mr. Tierney's Finance Resolutions being resumed, Mr. Chancellor Addington admitted, that the resolutions proposed by the hon. gentleman were accurate, that is to say, that they contained no arithmetical inaccuracy. The difference between the hon. gentleman and himself arose from the different view in which they considered the subject; for it was obvious that the same materials, by being stated in a different way, might lead to very different conclusions. The principal objection which he had to the hon. gentleman's resolutions was, that they did not go far enough—that they did not enable the people to take a just and comprehensive view of the finances of the country. This inconvenience he had endeavoured to supply by the resolutions which he had the honour of submitting. He should therefore move the previous question on the hon. gentleman's resolutions, and afterwards propose his own.—After a short conversation, in the course of which Mr. Tierney entered into a defence of his resolutions, the previous question was put upon them and carried.

Mr. Chancellor Addington's Finance Resolutions.] The following Resolutions were then moved by Mr. Chancellor Addington, and agreed to:

FINANCE RESOLUTIONS.

1. That the amount of the public funded debt was, on the 5th Jan. 1786, 238,231,248*l.* exclusive of long and short annuities, and annuities for lives, to the amount of 1,373,550*l.*: that, on the 1st of February 1793, stock, to the amount of 10,242,100*l.*, had been purchased by the commissioners for redeeming the national debt, and annuities to the amount of 79,880*l.* had fallen in, and had been carried to their account, reducing the actual amount of the debt, on the 5th Jan. 1793, to 227,989,148*l.*, and the annuities to 1,293,670: and that, on the 1st of February 1801, stock to the amount of 36,098,562*l.* had been purchased by the commissioners for redeeming the national debt, and annuities to the amount of 123,477*l.* had fallen in, and been carried to their account, and stock, to the amount of 16,083,802*l.* had been transferred to them, on account of land tax redeemed, reducing the actual amount of debt existing before the war, on the 1st Feb. 1801, to 186,047,884*l.*, and the annuities to 1,250,073*l.*

2. That the capital of the public funded debt created since the 1st Feb. 1793, as the same stood on the 1st Feb. 1801, together with the capital to be created by sums borrowed in the present session of parliament, and exclusive of 7,502,633*l.* three per cent stock created by advances to the emperor of Germany, is 306,997,792*l.*: that the amount of long annuities created during the same period is 312,661*l.* per annum, exclusive of 230,000*l.* created by advances to the emperor of Germany: that, of these sums, 19,708,750*l.* capital, and 9,791*l.* long annuities, are on account of Ireland; and 56,445,000*l.* is charged upon the tax on income, leaving a permanent debt of 230,844,042*l.* charged on Great Britain; and that, on the 1st Feb. 1801, 16,182,094*l.* had been purchased by the commissioners for redeeming the national debt, reducing the said permanent debt, created since 5th Jan. 1793, to 214,661,948*l.* exclusive of long annuities, to the amount of 302,875*l.* per annum; of which 19,666*l.* is now defrayed out of the tax on income.

3. That the total amount of the permanent

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funded debt charged on Great Britain, after deducting the sum of 52,281,656*l.* redeemed by, and the annuities fallen in to, the commissioners, and 16,083,802*l.* transferred to them, on account of land tax redeemed, was, on the 1st Feb. 1801, 400,709,832*l.* together with short annuities to the amount of 545,333*l.* and long annuities to the amount of 1,007,613*l.* after deducting the annulties provided for by Ireland.

4. That the sum annually applicable to the reduction of the national debt, in pursuance of the act passed in 1786, was 1,000,000*l.*, being about 1-238th part of the capital of the permanent debt then existing; and for 1793 was 1,427,143*l.*, being about 1-160th part of the permanent debt existing in 1793, and may, for the year 1801, be estimated at 5,300,000*l.*, being about 1-76th part of the permanent debt existing in 1801.

5. That the annual charge incurred on account of the permanent debt, on the 5th Jan. 1786, was 9,297,000*l.* before any fund was created applicable to the reduction of the debt; and, on the 5th Jan. 1793, was 10,325,000*l.* including 1,000,000*l.* applicable to the reduction of the debt; in which sum of 10,325,000*l.* was included, on the 5th Jan. 1793, the interest of 10,242,100*l.* capital stock redeemed, and the amount of annuities fallen in or unclaimed, which had been transferred to the commissioners, making together the sum of 387,143*l.*; and that the said sum of 10,325,000*l.* was reduced on the 5th Jan. 1801, by reason of stock transferred for the redemption of the land tax, and by diminution in the charges of management, on account of sums redeemed by the commissioners, to 9,830,468*l.*, in which sum is included the interest on 36,099,562 capital stock redeemed, and the amount of annuities fallen in or unclaimed, and transferred to the commissioners, making together the sum of 1,211,533*l.*

6. That the annual charge incurred on account of the permanent debt of Great Britain, created since the 5th Jan. 1793 (including 1,812,817*l.* permanent interest, and charge on loan of the present session) amounts to 10,395,246*l.* per annum, of which 7,581,238*l.* is for interest, annuity, and charges of management, of such part of the said debt as was unredeemed on the 1st Feb. 1801, and 2,814,008*l.* arises from 1*l.* per cent sinking fund on the capital of the said debt and interest of stock redeemed, and is applicable to the reduction thereof; and that a farther charge of 497,735*l.* per annum is guaranteed by parliament, in default of payment of the interest of certain loans by his majesty the emperor of Germany.

7. That the amount of the outstanding demands unprovided for on the 5th Jan. 1801, exclusive of unfunded debt, of the anticipation of certain duties annually voted; and of 151,643*l.* for interest on exchequer bills made good in the last session of parliament, was 1,396,842*l.*: that the surplus of ways and means for the year 1800 was 65,837*l.*, and 499,004*l.* remained unpaid, and applicable to the public service, on the subsidies to the emperor of Germany and the elector of Bavaria, reducing the amount of demands unprovided for to 832,001*l.*; the whole of which has been provided for in the present session.

8. That the unfunded debt, exclusive of the anticipation in the usual form on certain duties annually voted, on the 5th Jan. 1793, amounted to 8,925,422*l.*, and on the 5th Jan. 1801, to 17,946,186*l.* exclusive of 3,000,000*l.* advanced by the Bank, without interest, for the renewal of their charter, and to be repaid in 1806; which increase of 9,020,764*l.* beyond the amount of the unfunded debt, on the 5th Jan 1793, is occasioned chiefly from an addition of 8,740,300*l.* exchequer bills; and by an additional navy debt, amounting to 5,361,489*l.* arising from the increased extent of the service.

9. That the nett produce of the permanent taxes, existing on the 5th Jan. 1784, then amounted to 10,194,259*l.*; and that taxes were afterwards imposed to defray the expenses of the war ending in 1783, amounting in 1786 to 938,000*l.*, making together 11,132,000*l.*

10. That the nett produce of the permanent taxes existing previous to the year 1784, adding thereto about 938,000*l.* imposed as above stated in 1784 and 1785, and 137,000*l.* arising from the consolidation act, and from duties imposed in 1789, was, in the year ending the 5th Jan. 1793, 14,284,000*l.*; on the 5th Jan. 1794, 13,941,000*l.*: on the 5th Jan. 1795, 13,858,000*l.*; on the 5th Jan. 1796, 13,557,000*l.*; on the 5th Jan. 1797, 14,292,000*l.*; on the 5th January, 1798, 13,332,000*l.*; on the 5th January, 1799, 14,275,000*l.*: on the 5th January, 1800, 15,743,109*l.*; and on the 5th January, 1801, 14,194,539*l.*;—which last sum, after deducting the duties arising from the consolidation act, and those imposed in 1789, exceeds the nett produce of the permanent taxes on 5th Jan. 1784, together with that of the taxes imposed in 1784 and 1785, by 2,925,539*l.*; and that the produce of the permanent taxes, in the year ended the 5th Jan. 1801, was diminished below that of the preceding year, by a reduction in the duties on malt, beer, and spirits to the amount of about 1,150,000*l.* which is principally to be attributed to the circumstances of the season.

11. That the actual nett produce of the taxes imposed since the 5th Jan. 1793, amounted, in the year ending the 5th Jan. 1801, to 8,079,076*l.*; and that the total nett produce of the permanent taxes, in the year ended the 5th Jan. 1801, amounted to 22,273,615*l.*

12. That the total gross receipt within the year (deducting re-payments, discounts, and drawbacks, and also deducting all loans and monies paid to government) was, in 1797, 23,076,179*l.*; in 1798, 30,176,303*l.*; in 1799,

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34,750,976*l.*; and in 1800, 33,535,016*l.*; being an increase, compared with 1797, of 10,458,837*l.*; and compared with 1798, of 3,358,713*l.*; and a diminution of 1,215,960*l.*, as compared with 1799.

13. That the total gross receipt applicable to the service of the year 1800, exclusive of loans and exchequer bills, was estimated in the resolutions of the House of Commons, on the 28th of July, 1800, at 36,714,000*l.*; and that the actual gross receipt so applicable, taking the produce of the income duty at 5,822,741*l.*, amounted to 34,469,542*l.*; falling short of the above estimate by 2,244,458*l.*

14. That the official value of all imports into Great Britain, in the year ending the 5th Jan. 1784, was 13,122,235*l.*; and on an average of six years, ending the 5th Jan. 1784, was 11,690,829*l.*: that the official value of all imports into Great Britain, in the year ending the 5th Jan. 1793, was 19,659,358*l.*; and on an average of six years, ending the 5th Jan. 1793, was 18,685,390*l.*: that the official value of all imports into Great Britain, in the year ending the 5th Jan. 1801 (supposing the imports from the East Indies, of which no account has yet been made up, to be the same as in the preceding year) was 29,925,858*l.*, making an increase as compared with 1783, of 16,803,623*l.*, and with 1792, of 10,366,500*l.*; and on an average of six years, ending the 5th Jan. 1801, was 25,259,890*l.*, making an increase, as compared with the average to 5th Jan. 1784, of 13,569,061*l.*, and with the average to 5th Jan. 1793, of 6,574,500*l.*; and that the real value of imports in the year ended the 5th Jan. 1801, supposing the imports from the East Indies to be the same as in the preceding year, may be estimated at about 54,500,000*l.*

15. That the official value of British manufactures exported from Great Britain, in the year ending the 5th January, 1784, was 10,409,713*l.* and on an average of six years, ending 5th Jan. 1784, was 8,616,660*l.*; that the official value of British manufactures exported from Great Britain, in the year ending 5th Jan. 1793, was 18,336,851*l.*; and on an average of six years, ending the 5th Jan. 1793, was 14,771,049*l.*: that the official value of British manufactures exported from Great Britain in the year ending 5th Jan. 1801, was 24,411,067*l.*; making an increase, as compared with 1783, of 14,001,354*l.*, and with 1792, of 6,074,216*l.*; and on an average of six years, ending the 5th Jan. 1801, was 20,085,199*l.*, making an increase, as compared with the average to 5th Jan. 1784, of 11,468,539*l.*, and with the average to 5th Jan. 1793, of 5,314,150*l.*; and that the real value of British manufactures exported in the year 1800, may be estimated at about 39,500,000*l.*

16. That the official value of foreign merchandize exported from Great Britain, in the year ended the 5th Jan. 1784, was 4,332,909*l.*; and on an average of six years, ending the 5th Jan. 1784, was 4,263,930*l.*: that the official value of foreign merchandize exported from Great Britain, in the year ending the 5th Jan. 1793, was 6,568,000*l.*; and on an average of six years, ending the 5th Jan. 1793, was 5,468,014*l.*: that the official value of foreign merchandize exported from Great Britain, in the year ending the 5th Jan. 1801, was 17,166,145*l.*; making an increase as compared with 1783, of 12,833,236*l.*; and with 1792 of 10,598,145*l.*: and on an average of six years, ending the 5th Jan. 1801, was 12,867,958*l.*; making an increase, as compared with the average to Jan. 5th 1784, of 8,604,028; and with the average to Jan. 5th 1793, of 7,399,944*l.*; and that the real value of foreign merchandize exported in the year ended the 5th Jan. 1801, may be estimated at about 16,300,000*l.*

17. That the number of registered vessels belonging to the British dominions, and employed in trade, in the year 1788, being the first year in which the Register act had taken full effect, was 13,327; their tonnage 1,363,488*l.*; and the number of seamen navigating the same 107,925: in the year 1792, the number of vessels was 16,079, their tonnage 1,540,145, and the number of seamen navigating the same, 118,286; and in the year 1800, the number of vessels was 18,877, their tonnage 1,905,438, and the number of men 143,661; being an increase of 5,050 ships, of 541,950 tons, and of 35,736 men, compared with 1788; and of 2,798 ships, of 365,293 tons, and of 25,375 men, compared with 1792.

18. That the total sum to be raised in Great Britain, in the year 1801, may be estimated as follows; viz.

Interest of Public Funded Debt, Charges of Management, and Sinking Fund, on the 5th Jan. 1800, after deducting interest payable by Ireland	20,144,586
Interest, &c. to be incurred and paid between 5th Jan. 1801 and 5th Jan. 1802, on stock created by loans in the present session	1,812,816
Interest on Exchequer Bills, estimated to be the same as paid in the year to the 5th Jan. 1801	766,480
Proportion to be defrayed by Great Britain, according to the Articles of Union of the Civil List, and other Charges on the Consolidated Funds of Great Britain and Ireland, amounting together to 1,560,000*l.*	1,376,470
Civil government of Scotland, estimated as before Pensions on Hereditary Revenue, ditto Militia and Deserters Warrants, ditto Bounties for promoting Fisheries, Linen Manufactures, &c. ditto	635,549

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Charges of Management of the Revenue, estimated as before, including the expense of collecting the Income Tax	1,851,845	
Making the Total Permanent Charges to be defrayed out of the Gross Receipt of Permanent Revenue		26,587,746
Proportion to be defrayed by Great Britain, according to the Articles of Union, of the Supplies voted for 1801, for Great Britain and Ireland, amounting in the whole to 43,686,715*l.*, including therein the separate Charges on Great Britain		39,338,489
		65,926,235
Advance to Ireland	2,500,000	
Interest payable for Imperial Loans	497,735	
		2,997,735
Making in the whole the sum of		68,923,970

19. That the gross receipt of the Permanent Revenue, (after deducting re-payments for Over Entries, Drawbacks, and bounties in the nature of Drawbacks) amounted, in the year ended 5th Jan. 1801 to 27,419,000
Estimated produce to the 5th April 1802, of the Taxes imposed in the present session of parliament 1,000,000
That tax on Income is estimated to produce for the year 1801, a sum of 5,822,000
That the tax on Imports and Exports may be estimated to produce the sum of 1,200,000
That further sums are applicable to the service of the year 1801, as follows:
Re-payments from Grenada, Imprests, and Lottery 800,000
And that the remainder of the Supply for the year 1801 is provided for by a Loan, on account of Great Britain of 25,500,000
And a Loan for Ireland of 2,500,000
And by Exchequer Bills to be charged on Supplies 1802 2,000,000
And expected Additional Produce of Taxes that were deficient in 1800 1,100,000
Surplus of Ways and Means 1800, and residue of Grants to the emperor of Germany and elector of Bavaria 560,000
Interest on Land Tax contracted to be paid for by instalments, and moneys remaining in the Exchequer, of Lotteries of former years 62,000
Making in the whole the sum of 67,963,000

20. That it appears by a report of a Committee of this House in 1791, that the actual expenditure (including the annual million for the reduction of the public debt) on an average of five years peace, ending the 5th Jan. 1791, and including sundry extraordinary expenses for the armament of 1787, and for payments to American loyalists, and other articles of a temporary nature, amounted to 16,816,985
But the Peace Establishment was estimated by the said Committee, at 15,969,178
And that the expense of the year 1792 amounted nearly to that sum.
That the additional permanent charge incurred by the debt created since 1793, exclusive of interest payable by Ireland is 10,388,297
That the additional charge to be incurred for increased amount of Exchequer Bills outstanding is about 300,000
Interest of money for satisfying increased Navy Debt, at 5*l.* per cent is about 285,000
That the additional Charge incurred on the consolidated fund is 370,000
That the additional Charge incurred for a sum annually voted for the Redemption of the Public Debt is 200,000
And that the future peace establishment (exclusive of any charges to be incurred by Interest on sums to be paid on winding up the expenses of the war; and of any augmentation which may take place in the Naval or Military Establishments, but allowing for increase of pay and other expenses) may be estimated at 700,000
And also exclusive of 497,000*l.* interest on loans, due by the emperor of Germany, and guaranteed by parliament, may be estimated at 28,212,475

21. That the produce of the tax on Income, in the year ending 5th April 1801, appears to be 5,741,150
Voluntary Contributions 79,591
Duty on Exports and Imports 1,227,077
7,047,818

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And that supposing the produce of the permanent taxes to be the same as in the year ending the 5th Jan. 1800, the Income applicable to the peace establishment may be estimated as follows, viz.

Old permanent taxes		15,740,000
New permanent taxes		8,205,000
Further produce of taxes, 1799	150,000	
1800	400,000	
1801	1,800,000	
		2,350,000
Land and Malt		2,558,000
		28,853,000

Which sum is exclusive of any allowance for the profit of a Lottery, or for any participation of the territorial revenues of India.

22. That, during the continuance of the tax on income, after the conclusion of the war, if the produce in future years should amount to 5,800,000*l.* the total annual expenditure may be estimated at about 34,000,000*l.* including therein the said sum of 5,800,000*l.*, applicable annually (over and above all other sums in the hands of the commissioners) to the reduction of the debt.

23. That the amount of 3 per cent stock created in the years 1798, 1799, and 1800, and of which the interest is to be defrayed, and the principal to be redeemed, by the tax on income is 56,445,000*l.*

24. That, supposing the war to end with the year 1801, the 3 per cent stock to be on an average at 80*l.* and the tax on income to produce 5,800,000*l.* per annum, the capital stock of 56,445,000*l.*, together with the interest payable thereon, would be redeemed in the year 1811.

The King's Speech at the Close of the Session.] July 2. The royal consent was given, by commission, to several public and private acts; after which the Lord Chancellor delivered the following Speech:

"My Lords and Gentlemen;

"We have it in command from his Majesty to acquaint you, that, on account of the advanced period of the season, and the state of public business, he is induced to relieve you from a longer attendance in parliament.

"His majesty highly commends the wisdom, temper, and diligence, which have marked all your proceedings; and particularly acknowledges the assiduity and zeal with which you have pursued the investigation of the important subjects brought under your consideration, in consequence of the severe pressure occasioned by the high price of corn. The beneficial effects of the measures you have suggested for the alleviation of this calamity, have afforded his majesty great consolation; and he has the utmost satisfaction in indulging the hope, that, under the favour of Providence, the blessings of plenty will be restored by the produce of the ensuing harvest.

"Gentlemen of the House of Commons;

"His Majesty has directed us to return you his particular thanks for the liberal provision which you have made for the various branches of the public service. While he regrets the necessity of supplies so large, it is a relief to his majesty to observe, that the resources and continued prosperity of the country have enabled you to distribute the public burthens in such a manner as to press with as little severity as possible on his faithful subjects.

"My Lords, and Gentlemen;

"The brilliant and repeated successes of his Majesty's arms by sea and land, important as they are in their immediate consequences, are not less satisfactory to his majesty's mind, as affording fresh and decisive proofs of that vigorous exertion, undaunted valour, and steady perseverance, which distinguish the national character, and on which the chief reliance must be placed for respect abroad, and for confidence and security at home. Events so honourable to the British name derive, at the present moment, peculiar value in his majesty's estimation, from their tendency to facilitate the attainment of the great object of his unceasing solicitude, the restoration of peace on fair and adequate terms. They furnish at the same time an additional pledge, that if the sentiments of moderation and justice which will ever govern his majesty's conduct, should be rendered unavailing in this instance, by unreasonable pretensions on the part of his enemies, the spirit and firmness of his people will continue to be manifested by such efforts and sacrifices, as may be necessary for asserting the honour of his majesty's crown, and for maintaining the permanent interests of the empire."

The parliament was then prorogued until the 29th of October 1801.

END OF VOL. XXXV.

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